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ELECTIONS COMMISSION
City and County of San Francisco



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AGENDA
ELECTION COMMISSION
Friday, January 3, 2003
1:00 P. M.
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Michael Mendelson, President
The Honorable Alix Rosenthal, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian

Shirley Rodriques
COMMISSION SECRETARY



THE
UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT



ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on matters appearing or not appearing on the agenda which are within the jurisdiction of the Elections Commission. The Commission will hear public comment on each item on the agenda before consideration of that item.
5. **Possible Closed Session** to confer with counsel.
 - i. Discussion and possible action whether to hold Closed Session pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10(d).
 - ii. **CLOSED SESSION:** Conference with legal counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10 (d); litigation in the matter of Tammy Haygood's termination of employment. Number of possible cases: 1.
 - iii. Discussion and possible action re: disclosure of closed session pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.
6. Discussion and possible action to propose legislation to the Board of Supervisors that would eliminate paid ballot arguments from the Voter Information Pamphlet. Elimination of paid arguments could result in savings to the City of more than \$500,000 per election.
7. **Officers' Reports**

A general review of the activities and accomplishments of the Elections Commission for the past year and the Commission's plans for the upcoming year.
8. **Director's Report**
 - Preparations for next year
 - Voter Services Division
 - Campaign Services Division
 - Election Support Services Division
 - Management of Information Systems (MIS)
 - Purchasing
 - Personnel
9. **Public comment** on matters appearing or not appearing on the agenda that are within the jurisdiction of the Elections Commission.

ADJOURNMENT

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Elections Commission >> Meeting Information >> Election Commission (Full Commission)



The Elections Commission



January 03, 2003

City and County of San Francisco
Elections Commission
Approved: 1-15-03Minutes of the Meeting held
January 3, 2003

President Mendelson called the 29th meeting of the San Francisco Elections Commission to order at 1:04 pm.

2. COMMISSION MEMBERS PRESENT: Thomas Schulz, Alix Rosenthal, Brenda Stowers, Richard Shadoian and Michael Mendelson. ABSENT: Robert Kenealey. Also present were Julia Moll and Claire Sylvia from the City Attorney's Office.

3. FLAG SALUTE was led by Commissioner Rosenthal.

4. Discussion and approval of the minutes for the Elections Commission Meeting held on December 18, 2002. Commissioner Rosenthal MOVED to approve the minutes, Commissioner Stowers SECONDED. Commissioner Schulz requested that in his comments on page three, under "items for future agendas", the word "redistricting" be changed to "reprecincting". This amendment to the MOTION was accepted. The MOTION carried with the appropriate correction.

5. POSSIBLE CLOSED SESSION: President Mendelson stated that there would be no closed session for this meeting.

6. PUBLIC COMMENTS: Richard Rothman spoke about his not knowing when he would receive his ballot/VIP and the problems he encountered when he called the Department of Elections (DOE).

Mr. Rothman suggested that DOE staff be informed of the schedule for sending out the various ballot types. Mr. Rothman also suggested that the DOE merge with another department which would permit the department to have more permanent staff. Doug Comstock spoke about the lack of an opposing argument for Proposition E in the November Voter Information Pamphlet (VIP). Mr. Comstock stated that a representative from his group was told that his argument had to be on a disc by the DOE staff person at the front desk and that the Acting Director refused to take the submission after being informed of the situation. Kathryn Burke said that she was concerned about items not on the agenda. Ms. Burke asked the Commission to look into election day registration, reprecincting, recruitment, training and evaluation of election officers.

7. OFFICER'S REPORT: President Mendelson stated that he was to have made a

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brief discussion of last year's events but in light of the number of citizens who wanted to comment on paid arguments at today's meeting, he will postpone the report to the next Commission meeting.

8.DIRECTOR'S REPORT: Jennifer Novak represented Acting Director Arntz.

Ms. Novak reported that there is currently no space to store the ballots for the upcoming Mayoral race. The space at 240 Van Ness has been shut down by the Fire Marshal. It is estimated that \$138,000 is needed to bring the 240 Van Ness location up to code.

9.Discussion and possible action to propose legislation to the Board of Supervisors to eliminate paid ballot arguments from the VIP. Vice President Rosenthal recommended that the Commission move into a committee of the whole to discuss the topic. She stated that she wanted to highlight the fact that this Commission does not have jurisdiction to eliminate paid ballot arguments. The Commission would be discussing the possibility of a recommendation to the Board regarding eliminating paid ballot arguments or any other recommendations. Commissioner Rosenthal said that it was important to hold public hearings on this topic and that the Commission not make a decision until after those hearings are completed.

Commissioner Stowers asked the Deputy City Attorney to confirm that the Commission does not have the authority to eliminate paid ballot arguments. Julia Moll replied that the Commission has the authority to make a recommendation to the Board of Supervisors.

Commissioner Rosenthal said that the Commission was not bound to the specific language and that changes can be made to the draft legislation.

Commissioner Schulz said that budget savings seemed to be the context of the legislation and that he was in favor of getting a list of other ways to save money. Commissioner Schulz asked from where the draft legislation originated. Commissioner Rosenthal said that it was her understanding that it was forwarded to Acting Director Arntz by a representative of the Board of Supervisors.

PUBLIC COMMENT: Mark Solomon called the Commission's attention to the footer at the bottom of the proposed legislation, which says "Mayor Willie L. Brown, Jr.". Mr. Solomon said that this is how the Mayor submits an item to the Board of Supervisors. Denise D'Anne, member of the board of Senior Action Network, said that her group supports keeping paid ballot arguments. Jane Morrison read a prepared statement in favor of paid arguments. Doug Comstock said that the Coalition of SF Neighborhoods was in favor of paid ballot arguments and asked the Commission how many bids it received for the printing of the VIP. Robert Haalund said that the Harvey Milk, Lesbian, Gay, Bisexual and Transgender Democratic Club was against eliminating paid arguments. Agar Jaicks said that he'd lived in San Francisco 50 years and urged the Commission not to support the removal of paid arguments. Arthur Chang said that he was speaking on behalf of San Francisco Common Cause which is in favor of paid arguments. Jennifer Clary, President of San Francisco Tomorrow, said that the paid arguments were an important voter education tool. Norman Rolfe, said that paid arguments were a means of expanding democracy. He said that having only one point of view against a ballot item was not enough. Howard Wallace, on the staff of healthcare workers local 250 of SEIU, said that the union is very concerned, scrutinizes legislation very carefully and is in favor of keeping paid arguments. He said that by taking away the paid arguments, the City would be lowering the voter turn out. Peter Fries said that the proposal had no specified budgetary figure attached. David Spero, said that he does a "trash poll" for every election by going through 15 - 20 precincts and looking into the trash there. He said that it is clear

from this that the public relies on the VIP. The VIP ballot arguments give "a multiplicity of voices". Mr. Spero said the problem with the VIP was the Board of Supervisors and the Mayor putting too much on the ballot - not the citizens, and that the DOE needs permanent staff. Ted Gullickson, with the S. F. Tenants Union, said that the VIP was an invaluable tool for groups like his to get their views out in a cost effective manner. Bill Barnes, from Supervisor Daly's Office, said that some of the changes in the proposed legislation made a lot of sense, such as being able to change a factual error in your argument. He thanked the Commission for supporting Supervisor Daly's proposal to pay for the return mailing of absentee ballots and congratulated Acting Director Arntz for saving money on the mailing of the VIP during the November election. He suggested that the Commission investigate how official opponent arguments are selected.

President Mendelson asked Mr. Barnes if he knew when this item would be going before the Board of Supervisors. Mr. Barnes said that there will be a new Board President and new committee members selected within the next six weeks, and to have this item heard before February is very unlikely. Mr. Barnes said that he'd like to hear from the Deputy City Attorney to learn whether the item has been introduced to the Board of Supervisors.

Julia Moll stated that the draft proposal has not been introduced at the Board of Supervisors. She clarified that the DOE is working with the Mayor's Office regarding the budget for FY2003/2004, and the Mayor's Office was concerned that the money submitted for paid ballot arguments did not cover the actual costs of producing and mailing those arguments. The Mayor's Office asked that the Acting Director of Elections present this draft proposal to the Commission for its input before the Mayor's Office proposes it to the Board of Supervisors.

Commissioner Rosenthal invited the audience to come back to the Commission's next meeting on January 15, 2003 at 7:00 pm in City Hall Room 400.

Commissioner Schulz asked if the Budget and Policy Committee would consider this item as part of its agenda as well.

President Mendelson stated that this was an important issue facing San Francisco citizens. He said that the Commission now has the figures demonstrating the costs engendered by the production of the VIP which will be available for the next Commission meeting. Preliminary numbers indicate that the cost was approximately \$800,000 to produce and mail out the VIP. The DOE received \$133,000 from the paid arguments. President Mendelson asked the audience to spread the word that the Commission wants a full and fair hearing to continue the dialogue on the subject of eliminating the paid arguments even though the Commission does not have the primary jurisdiction over this action.

PUBLIC COMMENT: Denise D'Anne commented that all printed materials should be produced double-sided to conserve resources. Peter Fries stated that action item documents must be available to the public for examination ten days before the meeting.

Meeting ADJOURNED at 2:00 PM.

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ELECTIONS COMMISSION
City and County of San Francisco



AGENDA
ELECTION COMMISSION
Wednesday, January 15, 2003
7:00 P. M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

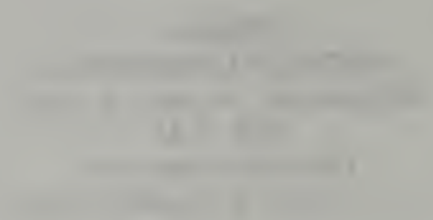
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Shirley Rodriques
COMMISSION SECRETARY

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 - iii. Discussion and possible action re: disclosure of closed session pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.
6. Discussion and possible approval of Election Commission Minutes for: Regular meeting held on January 3, 2003.
7. **Director's Report**
 - Voter Services Division
 - Campaign Services Division
 - Election Support Services Division
 - Management of Information Systems (MIS)
 - Purchasing
 - Personnel
8. **Unfinished Business** – Continuation of public hearing on whether the Elections Commission should recommend that the Board of Supervisors eliminate paid ballot arguments from the City's Voter Information Pamphlet. The City's Municipal Elections Code requires that the pamphlet include paid ballot arguments. The Elections Commission cannot amend the Municipal Elections Code, but can recommend that the Board of Supervisors amend the code.
9. **Public comment** on matters appearing or not appearing on the agenda that are within the jurisdiction of the Elections Commission.

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The Elections Commission

January 15, 2003

City and County of San Francisco

Elections Commission

Approved: 02/05/03

Minutes of the Meeting held

January 15, 2003



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1. President Mendelson called the meeting to order at 7:05 pm.

2. **COMMISSION MEMBERS PRESENT:** Robert Kenealey, Alix Rosenthal, Brenda Stowers, Richard Shadoian and Michael Mendelson. **ABSENT:** Thomas Schulz.

4. **FLAG SALUTE** - Commissioner Keaneley led the salute.

5. **POSSIBLE CLOSED SESSION** - President Mendelson advised that there was to be no closed session at this meeting because there was nothing to report regarding the Court of Appeals deliberations in the matter of Tammy Haygood's termination of employment.

6. Discussion and possible action to approve the Minutes for January 3, 2003. Commissioner Rosenthal **MOVED** that the minutes be approved, Commissioner Kenealey **SECONDED**. The Minutes for January 3, 2003 were **APPROVED** unanimously.

7. **DIRECTOR'S REPORT:** Acting Director John Arntz reported that the Voter Services Division has begun preparations for the Health Services System Board election. All 57,000 retired and active Civil Service employees receive ballots in this election. The DOE must work with the candidates, format the ballot, voter guide and envelopes. The election will take place in May and the cards are hand tallied. An election for the Retirement Board is anticipated next January and another Health Services System Board election is expected a year after this May. These elections must be handled along with next March's Presidential Primary.

Voter Services is also maintaining its voter files by comparing names on the rolls with death certificates. Annually, the state sends the DOE these certificates and takes a manual check of the voter file to reconcile the records is done. In addition, the DOE sends its data file to Cal-Voter, a statewide service to all cities, and the Secretary of State's office which compares this information from all the counties to determine if a voter has moved to another county.

Acting Director Arntz said that he met with the new Secretary of State, Kevin Shelley, who is interested in promoting the Cal-Voter system. It is likely that San Francisco will be using the system more in the future.

Campaign Services is reviewing the candidate guides for the upcoming race for Mayor, District Attorney and Sheriff. Staff are updating the guides to include new laws and clarifying language which may need explanation. Candidates rely on these guides very heavily and the DOE has to be precise in its information for candidate guides. This division is also filing the Fair Political Practices Commission's (FPPC) papers which political organizations must file in the City. Our City is one of three repository locations for these forms. These filings occur all year and the Acting Director said that he plans to call attention to this activity during budget planning. Campaign Services staff are currently being trained on a new DIMS, a software package for election data. This module allows staff to input candidate information that is shared by all DOE divisions such as registration, addresses of voters, and voting districts.

Elections Support is reviewing and updating poll work records. They are also assessing each poll workers performance to assure that we call up only the best workers for the next election. This division is still getting calls regarding poll workers' paychecks, as well as complaints from the workers regarding parking tickets received while working at the polls. Poll workers were advised where to safely park their vehicles, but some didn't heed this advice. Former poll workers are calling regarding working in the upcoming November election. We evaluate the training given to the poll workers after each election and constantly work on improving our training methods and incorporating new approaches to learning while keeping costs down. In addition, we are working to make the training manual tri-lingual. Part of the training will be for the provisional voting which begins in some areas in November and we're looking at the design of the directions on the provisional envelope to simplify the information.

Management Information Systems (MIS) is awaiting a proposal from the

Department of Technology Information Services (DTIS) for a reprecincting plan. DOE has one of the most up to date maps of the City. People think that San Francisco is built out, however, new roads and road extensions are added often. Other City departments will be able to use the software from this proposal. DOE is also using MIS to make the department more efficient and reduce costs. One example is putting the Election Calendar and all DOE procedures on a data base with a search engine. In addition, DOE is planning to update the FPPC process because it is currently very paper intensive and involves the use of many staff and hours. Another plan is to automate the scripting of the logic and accuracy process. This is how the DOE tests the ballots and the machines that record them. MIS is also looking into a "real time" data base for problem tracking on Election Day.

All departments are mandated to reduce their budgets by 7 percent in the upcoming year. For the DOE, this is a real challenge because we only get funded for an election, not for the entire year. This is why we always need to request supplemental appropriations. The Department needs to store the precinct cards for the November election. The location at 240 Van Ness has been closed by the Fire Marshal as being unsafe and the cost to bring it to code is approximately \$138,000. In addition, we may not be able to use Brooks Hall in November.

The DOE is still processing the paperwork necessary to separate over 200 people who worked during the last election. To implement the organizational structure that was approved by the Commission last October, I met with DHR yesterday to determine the quickest manner to classify people as permanent and/or provisional.

The Department received a memo from the Mayor's Office yesterday, asking us to develop a time off schedule for staff to reduce costs. The idea is to ask staff to take time off without pay.

Elections Systems & Software (ES&S) presented a proposal for Instant Runoff Voting (IRV) last Friday. This is the vendor that provides and operates the equipment the Department currently uses to count voting cards. We currently use their software to format the City's ballots.

President Mendelson asked Acting Director Arntz if he had a date-certain when the voters

will see IRV and does the proposal say when this will happen. Mr. Arntz answered that the proposal states testing will have been completed and certified by the Secretary of State by June 30, 2003. Mr. Arntz added that this is a drop dead date because staff will be brought in to begin training on July 1, 2003.

Vice President Rosenthal asked the Acting Director if he had a ball park idea of how

much

IRV will cost to implement this year. Mr. Arntz replied that this is a tough question

because even the small things are going to change. For example, if a voter marks the

same choice for numbers one and two on the ballot, the equipment will spit the ballot out

and the card will have to be remade or sent back through the equipment depending on the

voter's intension – was it a mistake or did the voter intend to vote that way. These error messages will take up a lot of tape. How many more tapes will be needed for each machine. The vendor states that the cost for the proposal will not exceed \$1.49M. It was the Acting Director's opinion that considering outreach, extra labor costs and extra resources, the cost would reach \$2.5M to make this a reality by November.

Mr. Arntz continued his Director's Report by stating that staff is currently being assigned for the upcoming November election instead of waiting for the fiscal year to begin. In the past, the fiscal year's work began by finishing the work of the previous election. This involves cleaning and preparing voting booths, inventorying materials in the warehouses, and other duties.

Vice President Rosenthal asked for an update on consolidating space.

Mr. Arntz reported that the location at 945 Bryant Street had the road access, space, loading dock, public transportation and parking that the DOE needed. However, with the budget cuts, the search has stopped. The lease would probably cost \$400,000 a year and the DOE can show a savings of \$250,000 by getting the new location, however, people who are looking at the budget will see only that the DOE is short \$150,000. It is difficult to quantify what is gained by having everything under one roof. Because the DOE is in three locations instead of one, there's the added expense of three different organizations, three different sets of staff planning for the cards that are located in each. With one place, you have one team doing these functions. Currently, the plan to get one site for the DOE has stalled.

Commissioner Shadoian asked if the costs for the Health Services System's (HSS) election are covered by HSS.

Mr. Arntz stated that the costs are "work ordered". The initial expense comes out of the DOE budget and is reimbursed later by HSS. The last time there was an HSS election, the cost was \$55,000. This year, HSS says it can afford only

\$30,000. This means that DOE will have to find a way to cut back on costs by \$15,000. DOE will need to use its existing personnel to process and tally this election. This means that our staff needs to be taken away from the November and March elections they are planning for and working on currently.

8. Unfinished Business - Continuation of public hearing on whether the Elections Commission should recommend that the Board of Supervisors eliminate paid ballot arguments from the City's Voter Information Pamphlet.

President Mendelson acknowledged that the Commission received a communication from Jennifer Cleary, President of San Francisco Tomorrow, advocating the retention of the paid political arguments. He reminded the public that the Elections Commission has no authority to modify, change or eliminate the paid political arguments and that the purpose of this hearing is to make known to the Board of Supervisors the public's feeling regarding this matter. Acting Director Arntz was asked to make a comment. Mr. Arntz said that he understood that at the last Commission meeting, there was some question regarding from where the proposal to remove the arguments had come. He said that 7% of the DOE's budget for this purpose was a large sum that takes a lot of the DOE's resources. This is why it was on the agenda.

President Mendelson turned the meeting over to Commissioner Stowers of the Budget and Policy Committee who reported on the cost benefit analysis she was asked to research at the last Commission meeting. The Commissioner said she worked with the DOE's budget and campaign services divisions to make her report. She reported that she looked at the number of hours staff spent on paid arguments to accept, review, verify, proof and edit. For instance, arguments for last November's election started coming into the department in August. The Commissioner reported that she reviewed the costs for production, taking into consideration that there are various ballot types. She compared the number of pages required by the election code and the number of pages actually used to include the paid arguments in the VIP. Commissioner Stowers reviewed: Voter Information Pamphlet (VIP) Costs, the Paid Argument Process, the number of paid arguments filed compared to the number of paid argument in the VIP, and a comparison of registered voters in November 2002 from the various California Counties compared to the number of pages in their VIPs vs. their VIP costs (table attached to these minutes).

Commissioner Stowers explained that 26% of the VIP production costs for paid arguments are paid for by the DOE and that these arguments comprise 43% of the total VIP budget. In the comparison table where San Francisco is compared with other counties, the City has the highest number of pages but not the highest cost - showing that the DOE has done everything to keep the costs down. In addition, last election is the first time the City has printed the arguments in the Spanish and Chinese VIPs.

Vice President Rosenthal asked Commissioner Stowers if all arguments filed make it to

the VIP. Commissioner Stowers explained that in the November election there were 348 paid argument submitted but only 345 were published. This discrepancy was due to deadlines not being met, submissions in the wrong format, etc.

Vice President Rosenthal asked what are the "hard numbers" on costs to produce the VIP in San Francisco. She asked how much of the \$828,000 cost for the VIP was directly attributed to the paid arguments. Commissioner Stowers answered that the \$828,000 did not include labor which was an additional \$75,000. Commissioner Rosenthal asked if the total cost to produce the VIP in the last election was \$828,000, how much went toward paid arguments only. Acting Director Arntz answered that the amount was at least \$250,000 per election and if the year in question has two elections, then the number is doubled. This is a "low-ball" estimate because some costs aren't considered, for example, the DOE Director must spend a great deal of time on paid arguments especially answering the concerns of the people involved.

President Mendelson asked if there is ever litigation regarding paid arguments. Acting Director Arntz replied that there were eight lawsuits regarding the last election with six of those involving paid arguments.

9. **Public Comment:** *Espanola Jackson* said that because the matter of whether to eliminate paid arguments was a legislative one, the Board of Supervisors should be the ones to make the decision. She said that everyone should go to the Board and have them put this item on the agenda so it can be referred to a committee so that citizens can talk and decide if taxpayers want to see money wasted instead of cleaning up the department and getting staff to do the work that needs to be done in the DOE. *Robert Haaland*, Vice President of the Harvey Milk LGBT Democratic Club, said that he was glad that the VIP was being published in Spanish and Cantonese because it is important for everyone to participate. He said that although the Board of Supervisors make the decision, the Commission can make a recommendation and he hoped that the recommendation would be in favor of keeping paid arguments. *Jennifer Clary*, President of San Francisco Tomorrow, said that the presentation didn't answer the question of exactly how much do the ballot arguments cost, what is the increase in postage, and what amount of staff time is involved. Ms. Clary stated that her group's bill for the argument she had printed was \$400 less because she had collected the necessary signatures to lower her costs. However, DOE staff had to spend time to verify those signatures. She said other ways to cut costs like an incentive that would spread the ballot argument cost over a longer period of time should be considered. *Saskia Traill*, a member of the Harvey Milk Club, said that people she knew who were first time California voters told her they would have not voted if they hadn't taken the time to read the paid ballot arguments. Her friends didn't trust the paid road signs and commercials. *Norman Rolfe* stated that he felt that the people behind eliminating the paid arguments had a problem with grass roots democracy. He said the VIP gives people without many resources a chance to compete with those who do. Mr. Rolfe said that Instant Runoff Voting will save the City from having additional elections, thereby saving the City money - money which can help pay for ballot arguments. *Jane Morrison*, Chair of the San Francisco Democratic Party, said that she sees the matter as what is best for democracy. These arguments, she said, are the only way organizations can have their messages heard. Without the paid arguments, she continued, all that voters will know is what the paid consultants want the voters to know. *Agar Jaicks*, a citizen of San Francisco for 50 years, said that he's concerned that since the Republicans have come into power in

Washington, there's been a limiting of citizens' rights. He said that eliminating the paid arguments would deprive the citizens of getting information and expressing their feelings. *Jonee Levy*, President of District 3 Democratic Club, said that her members register voters from early July until two weeks before the election. People tell them that their sole source about the election is the VIP. She said that an active democracy depends on unlimited access to information. *Arthur Chang*, a representative of SF Common Cause, said that it is a root issue of our government to allow citizens to express their views in ballot arguments. He stated that if the Commission "gagged" the opportunity for everyone to express their views in the paid arguments, the Commission would be "cutting back on democracy". *Denise D'Anne*, a member of the board of the Senior Action Network, said that one cannot put a price on the constitutional right of freedom of expression. She suggested that the Elections Commission doesn't have to make a recommendation to the Board of Supervisors at all. She stated that Seniors rely greatly on the information in the VIP and who sponsors those arguments. *Angela Ramsey*, a member of the District 3 Democratic Club, said that keeping paid arguments was very critical for the democratic process. Elimination of the arguments, she said, would disadvantage grass root campaigns. Although she was against increasing the costs of the arguments, Ms. Ramsey suggested that the Commission investigate this option because, she said, grass root organizations would rather pay more than have no voice at all. In addition, she said putting the information on line might be a way of reducing costs. *Joe Portensky*, from Contra Costa County, explained that when he ran for an office in Concord, he didn't have the money to pay for a candidate's statement. He suggested posting the arguments on line and using public and government television for public access. *John Bardis* said the Commission had the responsibility to take action and take this responsibility seriously considering costs and efficiency. He said that he hoped the Commission would not send "superficial conclusions" to the Board of Supervisors. Mr. Bardis said that whatever the Commission forwarded to the Board should be made available to the public.

Vice President Rosenthal suggested that the Commission members think about the testimony heard today and alternatives that might be used to lower costs for the VIP in preparation for the next Commission meeting when full and thorough discussion of the issue can be made. Commissioner Rosenthal asked the Acting Director to be able to state what amount of increase in fees would be necessary to finance the paid arguments.

President Mendelson stated that the numbers will be more perfected for the February 5, 2003 Commission Meeting. He said he wants to air the public's comments as much as possible and hoped that additional voices will be heard at that meeting. The Commissioner said that he wants to put all the data together and present it to the Board of Supervisors so they, who have the authority in this matter, are fully and competently aware of what the public has said in this matter.

Jane Morrison, Chair of the Democratic Party, said that she had a comment on a different subject. She stated that she had had calls in November from people who had problems with their voting places. She said that people in the polling places were not well informed especially about provisional voting. Ms. Morrison suggested that the poll workers be assigned to work split shifts, dividing the day into two shifts instead of one shift of 14 to 16 hours. She suggested that more competent, civic-minded people might volunteer if the shift were shorter. Finally, Ms. Morrison stated

that there's a person named Terrance Faulkner who puts in ten or twelve arguments, and there needs to be a new system developed to remedy situations like this one.

Kay Burke, a poll worker, stated that she had worked the last three elections. Ms. Burke stated that if money was the problem, that the entire budget should be considered regarding the paid arguments. She said that there were other more urgent problems that need attention like training poll workers. She said that she was concerned with having only one argument in favor and one argument against an issue because the least persuasive argument can be selected to be printed. Ms. Burke said that there are not just a pro and con argument, that there are many different reasons.

Denise D'Anne said she used to be a poll worker when she was younger and even then the hours were too long. She said she thinks poll workers working a split shift was a good idea. Ms. D'Anne urged the Commission to print information on both sides of the paper.

Joe Potensky stated that pamphlets in foreign languages need to also have their titles in English so that staff will know what it is they are handing out and what it is they may need to restock.

Adjournment at 8:38 pm.

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ELECTIONS COMMISSION
City and County of San Francisco



AGENDA
ELECTION COMMISSION
Wednesday, February 5, 2003
7:00 P. M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

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COMMISSIONERS

The Honorable Michael Mendelson, President
The Honorable Alix Rosenthal, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue that is within the Election Commission's jurisdiction. The Commission will hear public comment on each item on the agenda before consideration of that item.
5. **Possible Closed Session** to confer with counsel.
 - i. Discussion and possible action whether to hold Closed Session pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10(d).
 - ii. **CLOSED SESSION:** Conference with legal counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10 (d); litigation in the matter of Tammy Haygood's termination of employment. Number of possible cases: 1.
 - iii. Discussion and possible action re: disclosure of closed session pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.
6. Discussion and possible approval of Election Commission Minutes for: Commission Meeting held on January 15, 2003.
7. **President's Reports**
 - Recruitment of Permanent Director of Elections
 - Implementation of Ranked-Choice Voting (Proposition A, March 2002)
8. **Director's Report**
 - Ranked Choice Voting
 - Voter Services Division
 - Campaign Services Division
 - Election Support Services Division
 - Management of Information Systems (MIS)
 - Purchasing
 - Personnel
9. **Unfinished Business** – Discussion and possible action to recommend that the Board of Supervisors amend the Municipal Elections Code to eliminate paid ballot arguments from the City's Voter Information Pamphlet. The Municipal Elections Code requires that the pamphlet include paid ballot arguments. The Elections Commission cannot amend the Municipal Elections Code, but can recommend that the Board of Supervisors amend the code.

10. New Business

- i. Discussion and possible action regarding the recruitment and selection of a permanent Director of Elections.
- ii. Discussion and possible action on the process for recruitment and selection of a Permanent Director of Elections, and the role of the Commission's Personnel Committee in this process.
- iii. Discussion and possible action on whether to schedule a Commission "retreat" to discuss setting goals and objectives for the next year, and operational issues concerning the Commission.
- iv. (a) Discussion and possible action to recommend that the Board of Supervisors amend the Municipal Elections Code to:
 - conform the Code to recent changes in the Charter;
 - specify the public examination periods for each category of material submitted for publication in the Voter Information Pamphlet;
 - modify the deadlines for delivery of the Voter Information Pamphlet to the post office prior to each general and run-off election;
 - specify language for inclusion in the Voter Information Pamphlet concerning ballot measures which concern the same subject matter and which may have conflicting provisions;
 - explicitly incorporate the State law that applies to local ballot designations;
 - explicitly state the rules concerning ballot printing following the death of a candidate;
 - authorize the Chancellor of the Community College District as well as the Superintendent of the San Francisco Unified School District to nominate a reading specialist for appointment to the Ballot Simplification Committee;
 - eliminate the requirement that the League of Women Voters nominate one appointee to the Ballot Simplification Committee;
 - correct outdated code references;
 - clarify ambiguous language and codify departmental practice;
 - eliminate redundancy; and
 - add subheadings for subsections.
- (b) Discussion and possible action to recommend that the Board of Supervisors amend the Administrative Code to change the deadline for the Board to adopt an ordinance to call a bond election and submit a bond measure to the voters, from 99

to 102 days before an election. This change would make the Administrative Code consistent with Municipal Elections Code section 300(a) (providing the general rule that the Board must submit bond measures no later than 102 days before an election).

11. **Public comment** on any issue that is within the Election Commission's jurisdiction.

ADJOURNMENT

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Disability Access

The Elections Commission meeting will be held in Room 408, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.



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The Elections Commission



February 05, 2003

City and County of San Francisco

Elections Commission

Approved: 2/19/03

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Minutes of the Meeting held

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February 5, 2003

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1. President Mendelson called the meeting to order at 7:00 pm.
2. **COMMISSION MEMBERS PRESENT:** Robert Kenealey, Thomas Schulz, Vice President Alix Rosenthal, Commissioner Brenda Sowers, Commissioner Richard Shadoian and President Michael Mendelson. **ABSENT:** none.
3. **FLAG SALUTE:** Commissioner Keaneley led the Flag Salute.
4. **PUBLIC COMMENT:** *Sandra Elizondo* and *Cathy Russo* spoke about why paid ballot arguments should not be eliminated.
5. **CLOSED SESSION:** The Commission went into Closed Session to confer with counsel at 7:08 pm pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10(d).

Commission took a break at 8:14 pm.

Commission reconvened at 8:20 pm and voted to not disclose the discussions conducted in closed session pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12. The vote was unanimous.

6. Discussion and possible approval of Election Commission Minutes for Commission Meeting held on January 15, 2003. Commissioner Kenealey MOVED and Commissioner Rosenthal SECONDED that the Minutes for January 15, 2003 be approved. PASSED unanimously.

7. **OFFICERS' REPORTS:** President Mendelson reported that he and Commissioner Rosenthal met with Ana Borja-Valdez and Anne Marie Monroe from the Department of Human Resources (DHR) about the next steps in the process for selecting a new Director of Elections. He explained that DHR will compile a list after it has had a team of elections experts interview and rank the candidates. Those candidates' names will be given to the Elections Commission for a final interview and selection.

President Mendelson explained the challenges ahead for the DOE for ranked choice voting for the November election, especially its integration with touch screen technology.

8. **DIRECTOR'S REPORT:** Acting Director Arntz reported on efforts to implement Proposition A - Instant Run-off Voting, now referred to as "Ranked Choice Voting. Election Systems and Software (ES&S), already has a contract with the City with an option that says if the City decides to try methods of voting, ES&S is to be given the opportunity to provide the software for new that method. He said that the DOE is not in the business of designing a voting system, however, this is the situation the department now finds itself in and it is a difficult process. There is no time to request another vendor to present a proposal because Prop. A says that ranked choice voting must be in place for the November 2003 election and the Secretary of State has not certified a system. Mr. Arntz said that, in his opinion, June 30th is the drop dead date to have a system for San Francisco in order to be able to implement the ranked choice voting system mandated by the voters.

On July 1st, at the onset of the new fiscal budget, more employees will be brought in to work at DOE and they will be given the new system to learn and implement for the November election. At the present time, the DOE has no system about which to train staff. The DOE must wait until it has developed the system and the State has certified that system.

Mr. Arntz discussed several alternatives, including a request for bids. However, the bidder would need to have a system that is State certified and the City would need to accept the lowest bidder. Even if the department were to take the lowest price, that vendor's product may not have the services that the City would need.

Another alternative is hand-counting. The staff would need to hand examine and shuffle each card from the election for the write-in candidates. While this is not impossible, the perception of the public, seeing each vote hand tallied, may be that the handlers could be doing something with the vote. Even the process used for the hand tally needs to be certified by the Secretary of State.

Vice President Rosenthal asked Mr. Arntz if it was true that the reason for getting away from the term "instant run off" voting was because the software can't be run until after every ballot is counted, including absentee, provisionals and write-ins. The Commissioner said that in a race where there seems to be a clear winner, with 65% of the vote counted - the result would take time because many ballots would need to be counted by hand. She asked Acting Director Arntz if it was true that the final results may not be known for three to four weeks after the election. Mr. Arntz answered that this is true, however, it would depend upon the election.

Vice President Rosenthal inquired how the system would comply with the State Elections Code which requires a tally after each count of the vote.

Acting Director Arntz replied that this was a valid point that has not yet been determined.

He said there are many statutes that have to be applied to every election. The laws are just one of the mechanics of ranked choice voting which need to be considered. Another concern is how to put directions on the cards - what are the instructions. While these issues seem simple, they are not.

Commissioner Schulz asked Mr. Arntz what were the toughest questions Supervisor Gonzales asked him during his meeting with the supervisor. Mr. Arntz said that the big problem he expressed to the supervisor was that the DOE doesn't have what is needed (no data, no system, no certification) to implement ranked choice voting. The department is making a big effort to make this happen.

Commissioner Rosenthal asked the Acting Director how many full time people did he have working on this daily and how much time were they spending. Mr. Arntz replied that he has at least three to four people daily working to implement ranked choice voting.

Commissioner Rosenthal asked if the department had given up on touch screens.

Mr. Arntz answered that touch screens would be ideal for collecting the data but then the City would be using TWO new technologies in November.

Commissioner Schulz asked the Acting Director if it was true that there are three possibilities that he is examining: hand tallying, touch screen and ES&S. Mr. Arntz agreed and said that there will need to be additional software added to the eagle machines and if a hand tally is done, there is no space available to count the cards. Commissioner Schulz asked how these plans would fit into the budget. Acting Director Arntz said that hand counting would be a cost to be totally absorbed by the DOE; the proposal for ES&E would cost \$1.498M. Touch screens could be paid for with \$5.7M of Prop. 41 money, \$2.2M of which goes into the general fund to pay for the existing eagle machines.

Mr. Arntz reminded the Commission that the City has a deficit of \$350M. DOE staff is taking time off without pay in efforts to make the budget cuts that the Mayor's Office is demanding from all City departments.

Commissioner Rosenthal said that one of her big concerns was the time it would take to do the hand tally - several weeks. She said that the longer the department has the ballot cards and doesn't have a count, the more concerned campaigns and voters will become. Acting Director Arntz replied that a hand tally was NOT a situation he wanted.

Commissioner Schulz asked, "when a law is passed and we all want to enforce it, but the resources aren't there, the time is not there, so it can not be done properly, what do you do?" Commissioner Kenealey replied that this is when you go for declaratory relief. President Mendelson responded that this is premature, as the Department is doing everything to implement the program. Acting Director reminded everyone that we were not even near to making that decision and he thought we would not be.

Mr. Arntz introduced Rachael Gosiengfiao, manager of the Campaign Services Division. This is the frontline for the DOE, the front desk. Ms. Gosiengfiao gave a brief description of the work her division does: campaign filing, initiative filing, fair political practices state repository filing. The last mentioned filing receives more than ten thousand documents annually and these date back to 1998. Campaign Services also handles paid arguments, and proponent arguments. Ms. Gosiengfiao explained that new software which should be in place within the next fiscal year will assist her division greatly and enable staff to retrieve information more quickly. Her division holds informational meetings for candidates, observers and others. One of the subjects the division will be explaining during these meetings will be ranked choice voting. During election day, the division runs the phone banks.

To date, there are 21 candidates for Mayor. In the middle of the Mayoral race, campaign services has to prepare for the March presidential primary.

Mr. Arntz reported that the Voter Services Division completed their survey to determine the costs for the Health Services System election. Also, purging of the voter data base is occurring with the assistance of reports from the post office (address changes), death records from the State, and the Cal Voter System from the Secretary of State. The latter is used to see if voters are registered in more than one county. By using these systems, the DOE has reduced the voter roll by 15,000 voters, which is not unusual.

Mr. Arntz discussed the outreach program which has organized several meetings with community groups. At these meetings, citizens are asked what they want and expect from the DOE. In turn, Outreach asks citizens to be poll workers. These meetings have been very informative and have assisted the DOE greatly and are ongoing monthly with each group.

The Management Information Systems division has received the proposal from DTIS (Department of Technical Information Systems) regarding re-precincting. Some items in the proposal are being refined and there will be a presentation before the Commission soon. In the future the Procedures Manual will be on line and staff will be able to run searches for information. New employees will be able to use the search engine to learn about their tasks. The challenge of training will be made easier by this application.

Precinct Services has been working with Americans With Disabilities to evaluate polling places. The division is also speaking with the owners of these polling locations to get their input about what happens during election day. There has been a lot of feedback and the program has been a success.

Purchasing has prepared three drafts for RFQs (Request for Proposals): ballot printing, Voter Information Pamphlet (VIP) printing and layout and translation of the VIP. The DOE is currently seeking reimbursement from BART because the BART Bond, Measure AA, was included on the City's last election ballot and in the VIP. BART piggybacked on our election and they will be reimbursing us for their expenses. The DOE is still working on the formula for determining BART's share and it looks like the amount will be over \$125,000. Additionally, the department is working on the request for Prop. 41 money for purchasing technology and the first draft of next year's budget.

The poll worker recruiting division has been contacting other counties to look at their programs and comparing them to San Francisco's.

Personnel Division is working with DHR to get requisitions filled.

All managers are working with staff regarding taking time off without pay. Many staff have stepped forward to cut back on their hours to assist the department in meeting this policy.

Staff is already working on the election calendars for November and March.

Commissioner Thomas Schulz asked the Acting Director if special plans will be made regarding security for the November Election since the office of Sheriff will be on the ballot and the Deputy Sheriffs will not be able to provide security. Mr. Arntz replied that no formal meeting has taken place to discuss this topic but he has been in touch with Deputy Vicki Henessey.

9. Unfinished Business - Discussion and possible action to recommend that the Board of Supervisors amend the Municipal Elections Code to eliminate paid ballot arguments from the City's Voter Information Pamphlet. Commissioner Rosenthal announced that the next meeting of the Budget and Policy Committee will be about the subject of the elimination of paid ballot arguments. The Committee will make a recommendation to the full Commission and Commissioner Rosenthal invited all interested persons to come to that meeting at noon on Friday, February 7, 2003 in City Hall Room 408. She said that the Committee hopes to discuss every argument and every possible solution and develop a report to present at the next Commission meeting. President Mendelson suggested that this item be put over until the next meeting.

10. New Business - (i) Discussion and possible action regarding the recruitment and selection of a permanent Director of Elections. Commissioner Schulz MOVED that the Commission defer to DHR on the process and method for selection of a permanent Director of Elections. SECONDED by Commissioner Kenealey. PASSED. (ii) Discussion and possible action on the process for recruitment and selection of a permanent Director of Elections, and the role of the Commission's Personnel Committee in this process. Commissioner Schulz stated that working through the process just approved, there is no need to have the Personnel Committee in the process. (iii) Discussion and possible action on whether to schedule a Commission "retreat" to discuss setting goals and objectives for the next year, and operational issues concerning the Commission. President Mendelson suggested creating a special committee chaired by Commissioner Schulz to prepare a report specifically outlining the various issues that the Commission should address as well as a time and location. Commissioner Schulz replied that he would endeavor to have the information for the next full meeting of the Commission and that he would try for a date in March for the retreat. President Mendelson said that there was no rush to have the information by the next Commission meeting.

11. Public Comment. *Caleb Kleppner*, Center for Voting and Democracy, reiterated his organization's commitment to the implementation of Ranked Choice Voting for the upcoming election. He said that the most logical approach for the November election would be to modify the Optic Eagle machines. His concern was what would happen in the event of a catastrophic failure of the equipment. If this happened with the eagle machines, there would still be paper ballots that could be counted, this would not be the case with touch screens. Mr. Kleppner suggested that Commissioner Rosenthal's concern that a hand count could take weeks was incorrect, and that a hand count would take only a few days. *Jared Gleason*, a former employee of the DOE, suggested that the department go out to high school student body elections to experiment with the ranked choice voting as a public demonstration of how the system would work. This would also assist the DOE staff with getting hands-on experience in a practical application.

Meeting ADJOURNED at 10:05 pm.

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ELECTIONS COMMISSION
City and County of San Francisco



03

AGENDA
ELECTION COMMISSION
Wednesday, February 19, 2003
7:00 P. M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

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COMMISSIONERS

The Honorable Michael Mendelson, President
The Honorable Alix Rosenthal, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Election Commission's general jurisdiction. In addition, the Commission will hear public comment on each agenda item before taking action on that item.
5. **Possible Closed Session** to confer with counsel.
 - i. Discussion and possible action whether to hold Closed Session pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10(d).
 - ii. **CLOSED SESSION:** Conference with legal counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10 (d); litigation in the matter of Tammy Haygood's termination of employment. Number of possible cases: 1.
 - iii. Discussion and possible action re: disclosure of closed session pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.
6. Discussion and possible approval of Election Commission Minutes for: Commission Meeting held on February 5, 2003 and the Budget and Policy Committee Meeting held on February 7, 2003.
7. Department of Human Resources update on recruitment and selection of permanent Director of Elections.
8. **Committee Reports** – Budget and Policy Committee report and recommendation to the Commission regarding whether to recommend that the Board of Supervisors amend the Municipal Elections Code to eliminate paid ballot arguments from the City's Voter Information Pamphlet.
9. Discussion and possible recommendation that the Board of Supervisors amend the Municipal Elections Code to eliminate paid ballot arguments from the City's Voter Information Pamphlet.
10. **Director's Report**
 - Ranked Choice Voting
 - Poll Locationing
 - Outreach
 - Training
 - Ballot Distribution
 - Voter Services Division
 - Campaign Services Division
 - Election Support Services Division
 - Management of Information Systems (MIS)
 - Purchasing
 - Personnel

The purpose of this study was to determine the effect of the use of the following drugs on the blood pressure of patients with hypertension.

The study was conducted in the following manner:

1. The patients were selected from the following sources:

a. Patients who had been treated for hypertension for at least one year.

b. Patients who had been treated for hypertension for at least six months.

c. Patients who had been treated for hypertension for at least three months.

d. Patients who had been treated for hypertension for at least one month.

The patients were then divided into two groups: one group received the following drugs:

1. Hydrochlorothiazide, 50 mg. daily.

2. Furosemide, 40 mg. daily.

3. Ethacrynic acid, 50 mg. daily.

4. Bumetanide, 5 mg. daily.

5. Furosemide, 40 mg. daily.

6. Ethacrynic acid, 50 mg. daily.

7. Bumetanide, 5 mg. daily.

8. Furosemide, 40 mg. daily.

11. Discussion and possible action to submit the Fiscal Year 2003-2004 budget targets to the Controller's Office.

12. **New Business**

i. (a) Discussion and possible recommendation that Board of Supervisors amend the Municipal Elections Code to:

- conform the Code to recent changes in the Charter;
- specify the public examination periods for each category of material submitted for publication in the Voter Information Pamphlet;
- modify the deadlines for delivery of the Voter Information Pamphlet to the post office prior to each general and run-off election;
- specify language for inclusion in the Voter Information Pamphlet concerning ballot measures which concern the same subject matter and which may have conflicting provisions;
- explicitly incorporate the State law that applies to local ballot designations;
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- eliminate the requirement that the League of Women Voters nominate one appointee to the Ballot Simplification Committee;
- correct outdated code references;
- clarify ambiguous language and codify departmental practice;
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- add subheadings for subsections.

(b) Discussion and possible recommendation that the Board of Supervisors amend the Administrative Code to change the deadline for the Board to adopt an ordinance to call a bond election and submit a bond measure to the voters, from 99 to 102 days before an election. This change would make the Administrative Code consistent with Municipal Elections Code section 300(a) (providing the general rule that the Board must submit bond measures no later than 102 days before an election).

14. **Public comment** on any issue within the Election Commission's general jurisdiction and that has not been commented upon previously in this meeting.

ADJOURNMENT

1. The first part of the paper is devoted to a review of the experimental results obtained in the study of the reaction of the C_2H_2 molecule with the C_2H_4 molecule. The reaction is shown to be a simple addition reaction, and the product is identified as the C_4H_6 molecule. The reaction is shown to be reversible, and the equilibrium constant is determined to be $K = 1.5 \times 10^3$ at 25°C . The reaction is also shown to be catalyzed by the C_2H_2 molecule, and the rate of reaction is shown to be first order in C_2H_2 and first order in C_2H_4 . The activation energy of the reaction is determined to be $E_a = 12.5 \text{ kcal/mole}$.

2. The second part of the paper is devoted to a study of the reaction of the C_2H_2 molecule with the C_2H_4 molecule in the presence of the C_2H_2 molecule. The reaction is shown to be a simple addition reaction, and the product is identified as the C_4H_6 molecule. The reaction is shown to be reversible, and the equilibrium constant is determined to be $K = 1.5 \times 10^3$ at 25°C . The reaction is also shown to be catalyzed by the C_2H_2 molecule, and the rate of reaction is shown to be first order in C_2H_2 and first order in C_2H_4 . The activation energy of the reaction is determined to be $E_a = 12.5 \text{ kcal/mole}$.

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2. The second part of the document is a report from the Secretary of the War Department, dated January 10, 1862. It contains a detailed account of the military operations and the condition of the army.

3. The third part of the document is a report from the Secretary of the Navy Department, dated January 15, 1862. It contains a detailed account of the naval operations and the condition of the fleet.

4. The fourth part of the document is a report from the Secretary of the Treasury Department, dated January 20, 1862. It contains a detailed account of the financial operations and the condition of the treasury.

5. The fifth part of the document is a report from the Secretary of the Interior Department, dated January 25, 1862. It contains a detailed account of the land and mineral operations and the condition of the interior.

6. The sixth part of the document is a report from the Secretary of the State Department, dated January 30, 1862. It contains a detailed account of the diplomatic operations and the condition of the state.

7. The seventh part of the document is a report from the Secretary of the War Department, dated February 5, 1862. It contains a detailed account of the military operations and the condition of the army.

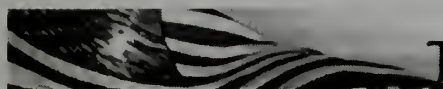
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Elections Commission >> Meeting Information >> Election Commission (Full Commission)



The Elections Commission

February 19, 2003



City and County of San Francisco

Elections Commission

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Approved: 3/05/03

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February 19, 2003

1. President Mendelson called the meeting to order at 7:03 pm.

- 2. **COMMISSION MEMBERS PRESENT:** Thomas Schultz, Robert Kenealey, Brenda Stowers, Richard Shadoian and Michael Mendelson. Alix Rosenthal arrived after roll call and before any Commission action (7:08 pm).

3. **FLAG SALUTE** was led by Commissioner Robert Kenealey.

4. **PUBLIC COMMENT.** *Ross Travis* of Sequoia Voting Systems spoke about his company's creation of the first "touch screen voting system" and said that his company has been the City's ballot printer for many years. Mr. Travis said he was speaking because President Mendelson stated at the Commission's previous meeting that nobody had developed a touch screen ranked choice voting machine.

Larry Korb of Sequoia Voting Systems demonstrated the ABC Edge units that use ranked choice voting.

5. The Commission went into closed session to confer with counsel pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10(d) at 7:13 pm.

The Commission returned to open session at 7:35 pm and Commissioner Rosenthal MOVED that the action taken in closed session be disclosed.

MOTION 02-19-03-1 to authorize counsel to seek through legal recourse the restitution from Tammy Haygood of all monies paid her from April 22, 2002 until the present pursuant to trial court's order in this matter. Commissioner Schulz SECONDED. No Public Comment. The vote was unanimous

6. **MOTION** to approve the Election Commission Meeting Minutes for February 5, 2003 and the Budget and Policy Committee Meeting held on February 7, 2003. Commissioner Shadoian noted one spelling correction. Both sets of minutes were APPROVED unanimously.

7. Anna Borja Valdez reported on the process for Class 0941, Director of Elections, recruitment. The recruitment began June 21, 2002 and there are nine viable candidates. Closure for filing of applications will be February 28, 2003. The examination will be administered between March 31 and April 2, 2003, with the posting and adoption of the eligible list by April 21, 2003.

8. Committee Report - Commissioner Stowers reported on the Budget and Policy Committee's meeting regarding whether to recommend that the Board of Supervisors amend the Municipal Elections Code to eliminate paid ballot arguments from the City's Voter Information Pamphlet. Commissioner Stowers asked that all members read the report and the supporting documents from the Committee and be prepared to discuss and act upon the item at the next Commission meeting, March 5, 2003.

Commissioner Stowers summarized the Committee's report. She said the report presented current revenue and cost deficits caused by paid arguments, the cost of the Voter Information Pamphlet (VIP), history of the VIP, initial options, solutions, and conclusions. The Committee was in favor of paid appearances, a list of the names of persons/groups in support of a given initiative. The Budget and Policy Committee concluded that paid appearances would lower mailing costs, create a smaller VIP, decrease processing fees for submissions, and allow people/ groups to express their opposition or support of an initiative.

9. Discussion and possible recommendation that the Board of Supervisors amend the Municipal Elections Code to eliminate paid ballot arguments from the City's Voter Information Pamphlet. Commissioner Rosenthal MOVED that this item be continued until the next regular meeting of the Commission on March 5, 2003, SECONDED by Commissioner Kenealey.

Public Comment - *John Bardis* asked if the Commission discussed the reports by Commissioners Stowers and Rosenthal, and if the public was going to make comments on those reports. President Mendelson responded that this is the purpose of continuing the item to the next meeting. The President said that the reports were long and needed to be completely reviewed by the members of the Commission. At that meeting, a recommendation will be made. Mr. Bardis asked that the materials be made available at the reception area of the Department of Elections.

Commissioner Schulz stated that he had an amendment to the recommendation from the Budget and Policy Committee. President Mendelson reminded him that his amendment can be presented at the next meeting when the item will be discussed. The President also recommended that Commissioner Schulz give his amendment to the Commission Secretary to make available to the public. The Commission unanimously voted to continue discussion and possible recommendation that the Board of Supervisors amend the Municipal Elections Code to eliminate paid ballot arguments from the City's Voter Information Pamphlet for two weeks, until the March 5, 2003 Elections Commission meeting.

10. **DIRECTOR'S REPORT:** Provisional Director Arntz introduced Erich Seamon, Technology Manager, Department of Telecommunications, who described the role of DTIS (Department of Technology and Information Services) in reprecincting.

Mr. Seamon outlined the goals: a maximum of 900 voters per precinct, precincts may not be split by political boundaries, six block radius for precincts; plan for future growth, use of current precincts as baseline, and the incorporation of Congressional District numbers into precinct numbering. Mr. Seamon reported that the process will take 8 weeks.

Mr. Arntz reported the following: Ranked Choice Voting - still discussing plans with ES&S, as well as researching cities throughout the world who have similar systems, however, the use of touch screens this fall has been set aside. ES&S is still in development and Mr. Arntz said that he does not know at what stage they are presently. President Mendelson questioned whether the DOE should get some proprietary interest in the system that's being built by ES&S with the considerable contributions of the DOE. Mr. Arntz replied that this was a good idea. Poll Locating - site reviews have been conducted. Signage will be improved and made more visible. The staff working on this are taking one day a week off without pay to help with the budget. Outreach - during the last week, staff has met with the Southeast Asian Community Center and the Equal Access to City Services Group. Dialog continues with

citizens who are interested in elections. Staff are taking one day off a week without pay. Training - a video is being made to instruct poll workers. This video can be checked out, like a library book, that the workers can take home. The video will describe what to do at the polling place. There will also be an internet, on-line test for poll workers which can be taken in addition to the regular written test. We're also doing sample hand counts. There are plans to get information out to the public about rank choice voting by way of television ads. The one person handling training is taking one day off without pay each week. Ballot Distribution - rank choice voting is being examined as it relates to distribution. Staff are preparing for November and March. One person has been laid off from this department and one other is taking two days off a week without pay. Campaign Services - is being flooded with the Fair Political Practices filing forms. Old files are being purged to make room for these new ones. Staff has been cut to two persons, one working three days and one working four days a week. Voter Services - staff has been cut to three days a week. Election Support - staff are working four day weeks, are attending community outreach meetings and working with other Election Department divisions to determine how Ranked Choice Voting will affect poll worker recruitment, training and retention. Technology Division - finishing upgrade of data management system and has held one-hour Excel Spreadsheet trainings for staff interested in attending. Work on the electronic bulletin board continues. The division is creating an electronic system to track the many filings that come into the DoE which will enable the department to charge and collect fees more efficiently. In addition, they are helping with the re-precincting.

We have submitted an invoice for \$130,000 to BART for placing their bond issue on last November's ballot. Payment is expected within the next two weeks.

The initial budget will be submitted to the Controller's Office next week. The Controller's Office is currently conducting an audit of the use of Cell Phones by the department during the last fiscal year.

Commissioner Shadoian complimented the Provisional Director on the poll worker training video and asked if the information could also be put on the department's website and the City's closed circuit television. Mr. Arntz replied affirmatively.

Commissioner Kenealey asked Counselor Julia Moll if there was an emergency reserve fund for the uninterrupted operation of a department that could be available to the DoE. Ms. Moll said that she would investigate and inform the Commission.

11. Discussion and possible action to submit the Fiscal Year 2003-2004 budget targets to the Controller's Office. Provisional Director Arntz explained that the document handed out at this meeting was not a final budget but was a placeholder to be submitted by the end of this week. Commissioner Shadoian said that he was uncomfortable with this process because there wasn't time to review the information. Mr. Arntz replied that this was an early Draft and there would be ample time over the next several months when the budget is amended before finalization.

President Mendelson explained that this was the "initiating document of the budget process that the Commission had to submit to the Controller's Office as a place holder in the process. It does not bind the department to anything." Provisional Director Arntz stated that if the Commission did not approve submittal of this draft, that would put the process behind two weeks because the department would not have any initial numbers submitted into the system for review.

MOTION: Commissioner Rosenthal MOVED to submit the fiscal year 2003-2004 draft budget targets to the Controller's Office. SECONDED by Commissioner Keaneley. PASSED unanimously.

12. Discussion and possible recommendation that the Board of Supervisors amend the Municipal Elections Code. Commissioner Shadoian asked from where the recommendation originated. Provisional Director Arntz replied that it came from his office.

Public Comment: *Mary Hilton*, Vice President of the League of Women Voters, said she was concerned about the possibility of eliminating the League from the Ballot Simplification Committee. President Mendelson advised Ms. Hilton that this item will be referred to the Budget and Policy Committee to report back to the next regularly scheduled Commission meeting and asked the Commission Secretary to keep Ms. Hilton informed of the date, time and location of that Committee's next meeting.

Adjourned at 9:23 pm.

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Mr. John A. Smith, President
Mr. James B. Jones, Vice President
Mr. Robert C. Brown, Secretary
Mr. William D. White, Treasurer
Mr. Charles E. Black, Auditor
Mr. Thomas F. Green, Chairman of the Board
Mr. Henry G. Hall, Chairman of the Committee on Finance
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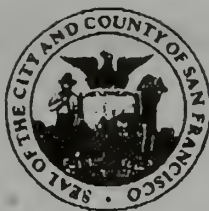
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ELECTIONS COMMISSION
City and County of San Francisco



AGENDA
ELECTION COMMISSION
Wednesday, March 5, 2003
7:00 P. M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Michael Mendelson, President
The Honorable Alix Rosenthal, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian

Shirley Rodrigues
COMMISSION SECRETARY

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ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Election Commission's general jurisdiction. The Commission will hear specific public comment on each agenda item before consideration of that item.
5. **Possible Closed Session** to confer with counsel.
 - i. Discussion and possible action whether to hold Closed Session pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10(d).
 - ii. **CLOSED SESSION:** Conference with legal counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10(d); litigation in the matter of Tammy Haygood's termination of employment. Number of possible cases: 1.
 - iii. Discussion and possible action re: disclosure of closed session pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.
6. Discussion and possible approval of Election Commission Minutes for: Commission Meeting held on February 19, 2003.
7. **Officers' Reports** – President Mendelson to report on Department of Fair Employment & Housing complaint referred to the EEOC and Ranked Choice Voting.
8. **Committee Reports** – (a) Budget and Policy Committee to make recommendation to the Commission whether to recommend that Board of Supervisors amend the Municipal Elections Code to:
 - conform the Code to recent changes in the Charter;
 - specify the public examination periods for each category of material submitted for publication in the Voter Information Pamphlet;
 - modify the deadlines for delivery of the Voter Information Pamphlet to the post office prior to each general and run-off election;
 - specify language for inclusion in the Voter Information Pamphlet concerning ballot measures which concern the same subject matter and which may have conflicting provisions;
 - explicitly incorporate the State law that applies to local ballot designations;

- explicitly state the rules concerning ballot printing following the death of a candidate;
- authorize the Chancellor of the Community College District as well as the Superintendent of the San Francisco Unified School District to nominate a reading specialist for appointment to the Ballot Simplification Committee;
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(b) Budget and Policy Committee to make recommendation to the Commission whether to recommend that the Board of Supervisors amend the Administrative Code to change the deadline for the Board to adopt an ordinance to call a bond election and submit a bond measure to the voters, from 99 to 102 days before an election. This change would make the Administrative Code consistent with Municipal Elections Code section 300(a) (providing the general rule that the Board must submit bond measures no later than 102 days before an election).

9. **Director's Report**

- | | |
|------------------------|--------------------------------------|
| • Ranked Choice Voting | • Voter Services Division |
| • Poll Locating | • Campaign Services Division |
| • Outreach | • Election Support Services Division |
| • Training | • Technology Division |
| • Ballot Distribution | • Personnel |

10. **New Business** – Discussion and possible action regarding whether the Commission should adopt a general policy on the criteria for Elections Department requests for supplemental appropriations that would require the Director to disclose to the Commission and citizenry the full cost of the program for which the Department seeks an appropriation, as well as the specific amount sought by the appropriation.

11. **New Business** – Discussion and possible action regarding whether the Commission should adopt a general policy on the criteria for Elections Department supplemental appropriations requiring the Director to disclose to the Commission and citizenry the full cost of the program for which the Department seeks an appropriation, as well as the specific amount sought by the appropriation.

12. **Public comment** on any issue within the Election Commission's general jurisdiction.

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The Elections Commission

March 05, 2003

*City and County of San Francisco*Elections Commission

Approved: March 19, 2003

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March 5, 2003

1. President Mendelson called the 32nd meeting of the Elections Commission to order at 7:03 pm.

2. **COMMISSION MEMBERS PRESENT:** Commissioner Robert Kenealey,

Commissioner Thomas Schulz, Vice President Alex Rosenthal, Commissioner Brenda Stowers and Commissioner Richard Shadoian.

3. **FLAG SALUTE** was led by Commissioner Robert Kenealey.

4. **PUBLIC COMMENT.** The following persons spoke on behalf of implementing ranked choice voting in time for the November 2003 election: *Caleb Kleppner, Mark Salomon, Joe Morse, Robert Arnow, John Marc Chandonia, Mark Dunlop, Charles Kalish, Shonn Mills, Aarron Pava, Randy Zurcher, Merle Goldstone, Don Eichelberger, Deborah Gordon, Kim Knox, Tony Brasunas, Ross Mirkarimi, Marc Tognotti, Rafael Mandelman, Kaye Griffin and Barry Hermanson.*

5. **Closed Session:** President Mendelson announced that the Commission would go into closed session to discuss the Tammy Haygood employment termination.

Closed Session began at 7:29 pm.

President Mendelson called the full session to order at 7:50 pm, and asked that the record show that the public that had been in attendance for Public Comment before the Commission adjourned to Closed Session were not present, although the Secretary had made an announcement to the group still assembled in the hallway.

Commissioner Rosenthal MOVED that certain information from Closed Session that the Commission had agreed to make public be disclosed. Motion PASSED unanimously. President Mendelson then announced that the former Elections Director, Ms. Tammy Haygood, has filed a charge with the Fair Employment and Housing Practices Commission (FEHPC) of California and that the FEHPC has passed jurisdiction to the Employment Equal Opportunity Commission.

6. Discussion and possible action to approve the Elections Commission Minutes for February 19, 2003. Commissioner Kenealey MOVED to approve the minutes.
Commissioner Shadoian SECONDED. Motion PASSED unanimously.

7. **OFFICERS' REPORT:** The President reported that the Tammy Haygood

complaint filed with the Fair Employment and Housing Practices Commission was based upon race, age and sex. That agency has passed the complaint over to the EEOC.

President Mendelson reported that the Commission is doing everything in its power to ensure that ranked choice voting is implemented and that the Provisional Director will make a full report later in this meeting. The President pointed out that according to the Center for Democracy and Voting, the ballpark cost for scanners and software to implement ranked choice voting could be \$3.5 - \$4.5 M. The Commission believes that those costs will be significantly less.

8. **COMMITTEE REPORT: *Budget and Policy Committee*** - Commissioner Stowers reported that the Committee voted to recommend that the Commission recommend

that the Board of Supervisors amend all the sections of the Municipal Elections Code that the Provisional Director proposed to amend except the requirement that the League of Women Voters be eliminated from the Ballot Simplification Committee and that the Community College District and the SF Unified School District make nominations to the Ballot Simplification Committee. Commissioner Stowers said that those two items will be discussed further at the next Budget and Policy Committee meeting.

9. **DIRECTOR'S REPORT:** Provisional Director John Arntz reported that the vendor for ranked choice voting, ES&S, made its first submission on contract modification last Friday. The modification is under review by the Department and the City Attorney and it is expected that the contract with testing standards and costs will be ready within two weeks. Mr. Arntz reminded the Commission that everything will still need to pass the Human Rights Commission, the Civil Service Commission, City Attorney and Controllers Office.

The DoE plans to submit a process for manually tallying ranked choice ballots next week to the Secretary of State's Office. We will be the first department in the State to submit such a process for certification. A bond needs to be posted to cover the costs of the certification. President Mendelson asked if the DoE could convince the State that a bond should not be necessary because the department and the Secretary of State are part of the same government. Mr. Arntz replied that it is not anticipated that other agencies will be submitting a system for certification. ES&S has stated that although there is no signed contract, they continue to go forward with the process to have a system ready for certification by the end of this month.

Vice President Rosenthal welcomed the audience and advised them that Provisional Director Arntz has been giving the Commission regular updates on the progress of ranked choice voting. She suggested that if members of the audience wanted to be kept informed, they would find it beneficial to attend Commission meetings on a regular basis.

Review of polling sites has taken longer than expected due to staff shortages. Two people have been laid off due to budget constraints and all DoE staff are working only four days a week to meet the 10% budget reduction requested by the Mayor.

A Spanish-speaking Outreach coordinator, which was absent from the organizational chart approved last September, is being sought for inclusion in the next budget.

The training video for poll workers is progressing. A ten to fifteen minute script is being developed. This will be a digital product that can be put on the internet and City Watch.

Election Support Services is contacting businesses to ask them to allow their employees to work with the DoE on election day. Wells Fargo has already been responsive and the Bank of America is being asked to assist as well.

MIS is working on the data base for ranked choice voting with existing software so that the software, hopefully, will not need certification by the Secretary of State. MIS continues to clean up the data base for re-precincting.

On the personnel front, many DoE staff are working on ranked choice voting, and because of staff cut backs, this has slowed down work in other areas.

Commissioner Schulz asked Mr. Arntz "how many staff down" is the department.

Mr. Arntz answered that the one day off without pay has provided a situation where it is easy to take a Friday or Monday off as well, which affects the Department's productivity.

President Mendelson commented that the organizational chart provided to the Commission at today's meeting by the Provisional Director should be a source of pride for the department. Mr. Arntz responded that it was important for the DoE to finally have a management structure in place. He said it was important for people to know the structure in order to know what to do if the Director, manager or supporting staff person is out.

President Mendelson and Provisional Director Arntz gave a brief report of their meeting that was requested by Secretary of State Kevin Shelly. President Mendelson added that Mr. Shelly was very effusive in his praise of Provisional Director Arntz' work to implement ranked choice voting.

Commissioner Mendelson reminded the audience that once San Francisco implements ranked choice voting, it will be a first in the State, and probably the country. San Francisco will have more voters than the smaller cities around the world which have implemented the program. Thus, the City will be doing this not only for its elections, but for state and federal elections as well.

Commissioner Kenealey asked if the issue of space and ranked choice voting was included in the budget. Mr. Arntz replied that upon advice from budget experts, he will be submitting supplemental appropriations for these items. The figures for space are already prepared, but the costs for ranked choice voting are yet to be

determined.

10. **New Business** - Commissioner Rosenthal MOVED to adopt a general policy on the criteria for Elections Department requests for supplemental appropriations that would require the Director to disclose to the Commission and citizenry the full cost of the program for which the Department seeks an appropriation, as well as the specific amount sought by the appropriation. SECONDED by Commissioner Kenealey. President Mendelson passed the gavel to the Vice President so that he could comment on this issue.

President Mendelson stated that based upon past experience, the Commission should not give "blank check authority" to the Director of Elections. The citizenry deserves honesty and clarity of all appropriations. Provisional Director Arntz agreed.

Public Comment - *John Bardis* said that he'd like to see an update of where the department stands relative to already appropriated funds.

MOTION PASSED unanimously.

11. **Public Comment** - *John Bardis* said that he hasn't been able to obtain a copy of the DoE's complete budget. *Charles Kalish* thanked the Commission and Mr. Arntz for their work to implement ranked choice voting and promised to assist by taking up the issue with the Board of Supervisors himself.

Meeting ADJOURNED at 8:35 pm.

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ELECTIONS COMMISSION
City and County of San Francisco



AGENDA

ELECTIONS COMMISSION

Wednesday, March 19, 2003

7:00 P. M.

City Hall, Room 400

1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Michael Mendelson, President

The Honorable Alix Rosenthal, Vice President

The Honorable Robert Kenealey

The Honorable Thomas Schulz

The Honorable Brenda Stowers

The Honorable Richard Shadoian

Shirley Rodriques

COMMISSION SECRETARY

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ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each agenda item before consideration of that item.
5. **Possible Closed Session** to confer with counsel.
 - i. Discussion and possible action whether to hold Closed Session pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10(d).
 - ii. **CLOSED SESSION:** Conference with legal counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10(d); litigation in the matter of Tammy Haygood's termination of employment. Number of possible cases: 1.
 - iii. Discussion and possible action re: disclosure of closed session pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.
6. Discussion and possible approval of Elections Commission Minutes for: Commission Meeting held on March 5, 2003.
7. **Officers' Reports** – President's Annual Report
8. **Committee Reports** – (a) Budget and Policy Committee will report on any recommendation to the Commission to recommend to the Board of Supervisors to amend the Municipal Elections Code to eliminate paid ballot arguments from the City's Voter Information Pamphlet.

(b) Budget and Policy Committee to recommend to the Commission whether to recommend to the Board of Supervisors to amend the Municipal Elections Code to eliminate the requirement that the League of Women Voters nominate one appointee to the Ballot Simplification Committee.

(c) Budget and Policy Committee to recommend to the Commission whether to recommend to the Board of Supervisors to amend the Municipal Elections Code to authorize the Chancellor of the Community College District as well as the Superintendent of the San Francisco Unified School District to nominate a reading specialist for appointment to the Ballot Simplification Committee.

9. Director's Report

- Ranked Choice Voting
- Budget Update
- Poll Locating
- Outreach
- Training
- Ballot Distribution
- Voter Services Division
- Campaign Services Division
- Election Support Services Division
- Technology Division
- Personnel

10. Unfinished Business – (a) Discussion and possible action whether to recommend that the Board of Supervisors amend the Municipal Elections Code to eliminate paid ballot arguments from the City's Voter Information Pamphlet.

(b) Discussion and possible action whether to recommend that the Board of Supervisors amend the Municipal Elections Code to:

- conform the Code to recent changes in the Charter;
- specify the public examination periods for each category of material submitted for publication in the Voter Information Pamphlet;
- modify the deadlines for delivery of the Voter Information Pamphlet to the post office prior to each general and run-off election;
- specify language for inclusion in the Voter Information Pamphlet concerning ballot measures which concern the same subject matter and which may have conflicting provisions;
- explicitly incorporate the State law that applies to local ballot designations;
- explicitly state the rules concerning ballot printing following the death of a candidate;
- authorize the Chancellor of the Community College District as well as the Superintendent of the San Francisco Unified School District to nominate a reading specialist for appointment to the Ballot Simplification Committee;
- eliminate the requirement that the League of Women Voters nominate one appointee to the Ballot Simplification Committee;
- correct outdated code references;
- clarify ambiguous language and codify departmental practice;
- eliminate redundancy; and
- add subheadings for subsections.

(c) Discussion and possible action whether to recommend to the Board of Supervisors that it amend the Administrative Code to change the deadline for the Board to adopt an ordinance to call a bond election and submit a bond measure to the voters, from 99 to 102 days before an election. This change would make the Administrative Code consistent with Municipal Elections Code section 300(a) (providing the general rule that the Board must submit bond measures no later than 102 days before an election).

11. **Public comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

Disability Access

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The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

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Lobbyist Registration and Reporting Requirements

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DECLARATION

I, the undersigned, do hereby declare that the foregoing is a true and correct copy of the original as the same appears in the records of the Court, and that the same has been compared with the original and found to be correct.

Witness my hand and seal of office this _____ day of _____, 19____.

Clerk of the Court

Judge of the Court

Attorney at Law

Witness

Notary Public



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The Elections Commission

March 19, 2003

*City and County of San Francisco*

Elections Commission

Approved: 4/02/03

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Minutes of the Meeting held

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March 19, 2003

1. President Mendelson called the 33rd meeting of the Elections Commission to

order at 7:00 pm.

2. **COMMISSION MEMBERS PRESENT:** Commissioner Robert Kenealey,

Commissioner Thomas Schulz, Commissioner Brenda Stowers, Commissioner Richard Shadoian, Vice President Alex Rosenthal and President Michael Mendelson.

3. **FLAG SALUTE** was led by Commissioner Kenealey.

4. **PUBLIC COMMENT.** *Lucy Colvin* voiced her support for the implementation of ranked choice voting. *Susan Vaughan* encouraged the Commission to do everything within its power to see that ranked choice voting is ready by November, and advocated retaining paid ballot arguments. *Naphtali Offen* said that he was a supporter of ranked choice voting, and that he felt there were forces in the City that want to see the program fail. *Caleb Kleppner* gave a brief history of ranked choice voting contract due dates, asked why the contract hasn't been signed, spoke in

support of keeping paid ballot arguments and maintaining the League of Women Voters on the ballot simplification committee.

5. **Closed Session:** President Mendelson MOVED that the Commission go into closed session to discuss with counsel the Tammy Haygood employment termination. A roll call vote was taken and the vote was unanimous to go into closed session.

Closed Session began at 7:15 pm.

President Mendelson called the full session to order at 7:45 pm. Commissioner Rosenthal MOVED that the discussion from Closed Session not be disclosed. Motion PASSED unanimously.

Recessed - 7:45 pm.

Full Commission resumed - 7:55 pm.

6. **Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on March 5, 2003.** Commissioner Kenealey MOVED to approve the minutes. Commissioner Rosenthal SECONDED.

Public Comment - *John Bardis* said that he thought the minutes should have reflected his comments about his inability to get data supporting the costs for paid ballot arguments and questioned the Commission's statement that money would be saved by their elimination. Item #6 PASSED unanimously.

7. **President's Report** - President Mendelson announced that due to the lengthy agenda for tonight's meeting, he will make this report at the next Commission meeting.

8. **Committee Reports:**

Budget and Policy Committee - Committee Chair Brenda Stowers reported that the Committee decided to recommend to the Commission to recommend to the Board of Supervisors that the Municipal Elections Code be amended to eliminate paid ballot arguments for the City's Voter Information Pamphlet. The Committee also

recommends that the Commission propose not amending the Municipal Elections Code to eliminate the requirement that the League of Women Voters nominate one appointee to the Ballot Simplification Committee. She reported that the Committee TABLED the recommendation to authorize the Chancellor of the Community College District to nominate a reading specialist for appointment to the Ballot Simplification Committee.

9. **Director's Report** - Provisional Director John Arntz reported: *Ranked Choice Voting* - All divisions of the department are spending a substantial amount of time working to ensure that ranked choice voting happens. Last Friday the department turned in its manual process application to the Secretary of State's Office. ES&S also turned in its application, however, the Secretary of State considered that application insubstantial. Next Friday the department will be producing an outreach plan with costs. The next step will be hiring staff. *Voter Services Division* - The division is continuing maintenance of voter records. *Budget Update* - The DoE is not going forward with a supplemental request at this time. RFP's for ballot and Voter's Information Pamphlet printing have been sent to HRC. *Poll Locating* - The site reviews are expected to be completed in three to four weeks. Staff is working only four-day weeks. *Election Support Services Division* - Everyone is preparing for ranked choice voting. *Outreach* - The ranked choice voting plan continues to be developed. *Technology Division* - The division is reviewing ES&S's contract and manual procedures as well as re-precincting with DTIS. *Personnel* - DoE has met its 10% cut back. All staff are working four days a week and the Director is working five days a week but getting paid for four. *Ballot Distribution* - Since the last Commission meeting, the staff has been working on Ranked Choice Voting and the procedures manual. *Campaign Services* - The division held its first monthly workshop last week. That workshop was for Mayoral candidates. These workshops are very helpful in eliminating the confusion that candidates often have at election time because they don't know the process. Other candidates will be covered in future workshops.

- 10: **Unfinished Business** - (A) Discussion and possible action whether to recommend that the Board of Supervisors amend the Municipal Elections Code to eliminate paid ballot arguments from the City's Voter Information Pamphlet.

Public Comment - *John Bardis* said that the Paid Ballot Arguments are cost efficient.

DISCUSSION: Commissioner Shadoian said that he felt the recommendation "came from the Mayor's Office", would "die" at the Board of Supervisors and that if the Commission passed it, the Commission would later be embarrassed by that action and urged his fellow Commissioners to vote "no". Commissioner Rosenthal said she was voting in favor of the motion because the Department can't afford to continue publishing paid ballot arguments in light of the other constraints and budget problems facing the Department and the City as a whole. Commissioner Rosenthal suggested that if the recommendation passes, that a copy of the report that she and Commissioner Stowers prepared and all the materials the Commission has used to come to its recommendation be forwarded to the Board of Supervisors.

President Mendelson called for the QUESTION on whether the Commission supports the Committee's recommendation. Roll call vote: Kenealey - Yes; Schulz - No; Rosenthal - Yes; Stowers - Yes; Shadoian - No; Mendelson - Yes. Total: 4-2. President Mendelson instructed the Commission Secretary to append all the information suggested by Commissioner Rosenthal to the resolution to the Board of Supervisors.

The Resolution is to read: whereas the City and County faces a budget crisis, whereas the Elections Commission received extensive public comments at its meeting as well as from other sources, whereas the Elections Commission concluded that department funds, staff and resources are insufficient to support paid ballot arguments, therefore be it resolved that paid ballot arguments be eliminated from the Voter Information Pamphlet. **(Motion: 03-19-03-1)**

Commissioner Shadoian asked that the vote and which Commissioners voted yes or no be included in the transmittal of the resolution. President Mendelson replied that under Robert's Rules of Order, the vote is the majority vote and the measure either passes or fails, the body has spoken, however, the Commission can vote on whether to change this and send the Board of Supervisors a vote tally. President Mendelson made the MOTION to show the division of votes as 4-2. The vote was 3 to 3. The vote to include the vote tally in the transmittal of the Resolution to the Board of Supervisors DID NOT CARRY.

Discussion and possible action to eliminate the requirement that the League of Women Voters nominate one appointee to the Ballot Simplification Committee. Commissioner Stowers MOVED that the Commission recommend to the Board of Supervisors not to eliminate the League of Women Voters participation on the Ballot Simplification Committee and that the League's participation be reviewed on an annual basis. President Mendelson asked Counselor Sylvia if the City Attorney's office had, as a matter of law, been asked if there was a conflict of interest on behalf of the League of Women Voters. Ms. Sylvia answered that the City Attorneys office had not been asked this question. Ms. Sylvia stated that it is a policy decision for the Commission to resolve. President Mendelson asked to restate the issue and MOVED that the Municipal Elections Code not be amended to eliminate the League of Women Voters as participants on the Ballot Simplification Committee and that their participation be reviewed on an annual basis. **(Motion: 03-19-03-2)** PASSED unanimously.

(B) Discussion and possible action to approve the technical amendments to the Municipal Elections Code to:

- (a) conform the Code to recent changes in the Charter;
- (b) specify the public examination periods for each category of material submitted for publication in the Voter Information Pamphlet;
- (c) modify the deadlines for delivery of the Voter Information Pamphlet to the post office prior to each general and run-off election;
- (d) specify language for inclusion in the Voter Information Pamphlet concerning ballot measures which concern the same subject matter and which may have conflicting provisions;
- (e) explicitly incorporate the State law that applies to local ballot designations;

- (f) explicitly state the rules concerning ballot printing following the death of a candidate;
- (g) correct outdated code references;
- (h) clarify ambiguous language and codify departmental practice;
- (i) eliminate redundancy; and
- (j) add subheadings for subsections.

Counselor Sylvia asked Commissioner Stowers if she wanted the annual review of the performance of the League of Women Voters on the Ballot Simplification Committee to be included in the proposed amendments or be a Commission policy. The Commission agreed that the annual review will be a policy and not part of the Elections Code. PASSED Unanimously. (**Motion: 03-19-03-3**)

(C) Discussion and possible action whether to recommend to the Board of Supervisors that it amend the Administrative Code to change the deadline for the Board to adopt an ordinance to call a bond election and submit a bond measure to the voters, from 99 to 102 days before an election. This change would make the Administrative Code consistent with Municipal Elections Code section 300(a) (providing the general rule that the Board must submit bond measures no later than 102 days before an election). Commissioner Rosenthal MOVED to make this recommendation to the Board of Supervisors. SECONDED by Commissioner Kenealey. PASSED Unanimously.

11. Public Comment - *John Bardis* asked what was the budget for the past month, for the year-to-date of the Elections Department and how have expenditures occurred. President Mendelson advised Mr. Bardis that the Commission does not typically answer questions under "Public Comment" and that Mr. Bardis should get that information during regular office hours from the DoE.

Next scheduled meeting is Wednesday, April 2, 2003.

Adjourned at 8:55 pm.

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The Elections Commission

April 02, 2003



AGENDA

ELECTIONS COMMISSION

Wednesday, April 2, 2003

7:00 P. M.

City Hall, Room 400

1 Dr. Carlton B. Goodlett Place

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COMMISSIONERS

The Honorable Michael Mendelson, President

The Honorable Alix Rosenthal, Vice President

The Honorable Robert Kenealey

The Honorable Thomas Schulz

The Honorable Brenda Stowers

The Honorable Richard Shadoian

Shirley Rodriques

COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each agenda item before consideration of that item.
5. **Possible Closed Session** to confer with counsel.
 - i. Discussion and possible action whether to hold Closed Session pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10(d).

ii. **CLOSED SESSION:** Conference with legal counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10(d); litigation in the matter of Tammy Haygood's termination of employment. Number of possible cases: 1.

iii. Discussion and possible action re: disclosure of closed session pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.

6. Discussion and possible approval of Elections Commission Minutes for: Commission Meeting held on March 19, 2003 and Budget and Policy Committee meeting held on March 18, 2003.

7. **Officers' Reports** - President's Annual Report.

8. **Director's Report**

- | | |
|------------------------|------------------------------|
| • Ranked Choice Voting | • Voter Services Division |
| • Budget Update | • Campaign Services Division |
| • Poll Locating | • Election Support Services |
| Division | |
| • Outreach | • Technology |
| Division | |
| • Training | • Personnel |
| • Ballot Distribution | |

9. Discussion and possible action to set election of new officers for the Elections Commission.

10. **Public comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

Disability Access

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The Elections Commission

April 02,2003



City and County of San Francisco

Elections Commission

Approved: April 16, 2003

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April 2, 2003

1. President Mendelson called the 34th meeting of the Elections Commission to order

at 7:01 pm.

2. **COMMISSION MEMBERS PRESENT:** Commissioners Robert Kenealey, Commissioner Thomas Schulz, Vice President Alex Rosenthal, Commissioner Richard Shadoian, President Michael Mendelson. **ABSENT:** Commissioner Brenda Stowers.

3. **FLAG SALUTE** was led by Commissioner Robert Kenealey.

4. **PUBLIC COMMENT.** *Steven Hill* - Contended that the Department of Elections was dragging its feet on the contract to implement ranked choice voting.

5. **Closed Session:** Commissioner Shadoian MOVED that the Commission go into

closed session to discuss with counsel the litigation concerning Tammy Haygood's employment termination. The motion CARRIED unanimously.

Closed Session began at 7:09 pm.

President Mendelson called the full session to order at 7:29 pm. Commissioner Rosenthal MOVED that the discussion from Closed Session not be disclosed. A roll call vote was taken and the Motion CARRIED unanimously.

6. Discussion and possible approval of minutes for the Budget and Policy Committee meeting held March 18, 2003 and the Elections Commission meeting held on March 19, 2003. Commissioner Rosenthal MOVED to approve the minutes for the Budget and Policy Committee for March 18, 2003. SECONDED by Commissioner Kenealey. Motion CARRIED unanimously. Commissioner Rosenthal MOVED to approve the minutes for the Elections Commission meeting for March 19, 2003. SECONDED by Commissioner Kenealey. DISCUSSION: Commissioner Schulz asked why the minutes for 3/19/03 showed that the Resolution that passed included the vote on that Resolution when a motion had been made earlier not to disclose the vote. Vice President Rosenthal explained that the Commission voted to not disclose which Commissioners voted which way - but the tally would be disclosed. President Mendelson stated that "when this Commission acts, it acts as a majority body." MOTION to adopt the minutes of the Elections Commission meeting of March 19, 2003, CARRIED unanimously.

7. **OFFICERS' REPORTS:** President Mendelson announced that the President's Annual Report is postponed until the first meeting in May.

8. **DIRECTOR'S REPORT:** Acting Director John Arntz was absent. Ms. Jennifer Novak presented the report. *Ranked Choice Voting* - The Secretary of State has responded to the manual vote tallying process submitted by the DoE. There are some items which need clarification but overall the Secretary of State indicates that the proposal appears to be workable. The DoE needs to provide \$5000 for the Secretary of State's official review process for certification and the department is attempting to obtain those funds. President Mendelson asked if the department plans to get the money from the Board of Supervisors. Ms. Novak replied that the letter requesting the \$5000 had just arrived and she expects that the Board will be the next step. The DoE needs to clarify the items about which the State has concerns. The certification deadline determined by the DoE of July 1st is also agreeable to the State. Commissioner Rosenthal asked if the State indicated how quickly the certification could be made once the money and clarifications were made. Ms. Novak replied that she did not know. Negotiations continue with ES&S and there's a good possibility that a contract will be signed next week. *Staff Assignments* - The majority of DoE staff have dedicated their time to working on ranked choice voting. A final draft of the public education plan has been completed. *Budget* - The DoE has been

working on a 20% deficit pay cut. All staff members are taking a day off each week without pay. *Personnel* - The staff is working on putting out RFPs for the VIP printing and the direct mailing service contracts which have expired. *Ballot Distribution* - The division, besides working on ranked choice voting, has been working to prepare for the AV process for the November election and the problem of ballot storage. *Campaign Services* - The staff held a candidates' workshop with a demonstration of ranked choice voting. The information will then be shared with the candidates' campaign people and supporters. The division has produced a "Proposition Guide" with updates of the history of past propositions. This will also be available on the DoE's website. In addition to these activities, the staff is planning for the peek period of nominations. *Outreach* - This division has been concentrating on the ranked choice voting public information plan. Staff members have met with community organizations, put out flyers, and set up opportunities for DoE staff to do presentations. President Mendelson asked if this outreach is going to the Spanish and Chinese speaking communities. Ms. Novak responded that everything is tri-lingual. *Technology Division* - This division has been doing programming for the manual tally process and members have been working with ES&S on the technical aspects of the contract. In addition, they are working on re-precincting. The voter files have been geo-coded to determine where all San Francisco voters live. The plan is to combine smaller precincts. Commissioner Schulz asked what was the target number of voters per precinct. Ms. Novak answered "900"; this would leave room for growth. The current limit is 1000 maximum voters per precinct. New laws and their integration into the DoE's computer system are also being considered. *Precinct Services* - The division continues to evaluate each site to determine ADA compliance and enough space for ranked choice voting as voters will need more time and table space to complete those ballots. Eighty percent of the precincts have been evaluated and it has been determined that approximately 63% of those are accessible. *Voter Services* - This division is continuing its purge of files using death notices from the Department of Public Health and a duplication analysis program. San Francisco now has 433,577 registered voters, the division has been able to purge approximately 1600 names per week. The division has submitted its quarterly report to the State and requested a \$18,000 reimbursement for postage. Commissioner Rosenthal asked what was the update on finding space for the department. Ms. Novak responded that staff has been contacted by the Real Estate Department and that there are plans to examine locations. Commissioner Schulz asked if the Commission could pass questions they are given by a member of the public on to the Director's office for response. President Mendelson replied that it would be up to Acting Director Arntz, if he wished to respond to any questions that are passed on to him. Commissioner Kenealey stated that it was his understanding that inmates of State prisons lose their right to vote until they are released, and asked if their names are removed from our voter rolls. Ms. Novak answered that those names are inactivated while persons are in prison or on parole for a felony. Commissioner Kenealey asked where the department obtains the lists. Ms. Novak responded that she wasn't sure but could provide the answer later.

9. Discussion and possible action to set selection of new officers for the Elections Commission. Vice President Rosenthal MOVED to set the date for the selection of new officers for the first meeting in May 2003 to maximize the number of Commissioners present because two Commissioners will be on vacation when the second meeting for April is scheduled. Commissioner Schulz SECONDED. MOTION to set selection of new officers for the Elections Commission for the May 7, 2003, meeting, CARRIED.

10. Public Comment. *Steven Hill* - said that the Director's report did not cover upgrading of the eagles for the November election, and that it didn't make sense to him that the DoE was working towards "eventualities" instead of ranked choice voting.

ADJOURNMENT - 7:55 pm.

The next scheduled meeting of the Elections Commission will be April 16, 2003.

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Elections Commission >> Meeting Information >> Election Commission (Full Commission)



The Elections Commission

April 16, 2003



AGENDA

ELECTIONS COMMISSION

Wednesday, April 16, 2003

7:00 P. M.

City Hall, Room 400

1 Dr. Carlton B. Goodlett Place

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COMMISSIONERS

The Honorable Michael Mendelson, President

The Honorable Alix Rosenthal, Vice President

The Honorable Robert Kenealey

The Honorable Thomas Schulz

The Honorable Brenda Stowers

The Honorable Richard Shadoian

Shirley Rodriques

COMMISSION SECRETARY

ORDER OF BUSINESS

1. CALL TO ORDER
2. ROLL CALL
3. FLAG SALUTE
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each agenda item before consideration of that item.
5. **Possible Closed Session** to confer with counsel.

i. Discussion and possible action whether to hold Closed Session pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10(d).

ii. **CLOSED SESSION:** Conference with legal counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10(d); litigation in the matter of Tammy Haygood's termination of employment. Number of possible cases: 1.

iii. Discussion and possible action re: disclosure of closed session pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.

6. Discussion and possible approval of Elections Commission Minutes for: Commission Meeting held on April 2, 2003.

7. Update on the process for the selection of a permanent Director of Elections from Ana Borja Valdes of the Department of Human Resources.

8. **Director's Report**

- | | |
|------------------------|------------------------------|
| • Ranked Choice Voting | • Voter Services Division |
| • Budget Update | • Campaign Services Division |
| • Poll Locating | • Election Support Services |
| Division | |
| • Outreach | • Technology |
| Division | |
| • Training | • Personnel |
| • Ballot Distribution | |

9. **Public comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

Disability Access

The Elections Commission meeting will be held in Room 400, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

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Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

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Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.

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Elections Commission >> Meeting Information >> Election Commission (Full Commission)



The Elections Commission

April 16, 2003

*City and County of San Francisco**Elections Commission*

Approved: May 7, 2003

Minutes of the Meeting held

April 16, 2003

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1. President Mendelson called the meeting to order at 7:00 pm.
2. **COMMISSION MEMBERS PRESENT:** Thomas Schulz, Alix Rosenthal, Richard Shadoian. **ABSENT:** Robert Kenealey and Brenda Stowers.

Commissioner Richard Shadoian MOVED to adjourn the meeting because Passover was due to begin in 30 minutes. Vice President Rosenthal observed that if Commissioner Shadoian leaves the meeting there would be no quorum.

The Commission voted to adjourn.

Meeting adjourned at 7:03 pm. Submitted Reports are attached below:

City and County of San Francisco

Elections Commission

REPORTS SUBMITTED ON APRIL 16, 2003

Department of Human Resources:

Ana Borja Valdez reported that recruitment and selection of candidates for classification 0941, Director of Elections, had been completed. Recruitment began on June 21, 2003. Anna Marie Monroe reported that a total of nine applications for the position were received, eight applicants met all the requirements and were invited to participate in the examination. Only five showed up for the examination.

The examination was held on March 31, 2003 and April 1, 2003, consisted of a role play exercise, a written exercise and an oral interview. A three-member panel consisting of three highly qualified elections officials from outside jurisdictions rated the candidates' responses. Two candidates failed the exam. The three successful candidates' names were posted on the eligible list on Monday, April 14, 2003.

Ms. Monroe explained that scoring of the exam is conducted by obtaining all the "raw scores" and establishing "a passing point". From that point the scores are converted to a 700 to 1000 point scale with 700 being the minimum passing score and 1000 being the top score. Ms. Valdez reminded the group that "minimum" is the same as "acceptable". Ms. Monroe said the list is good for six months but, if a request is made, the list can be extended for an additional year. Ms. Valdez reminded the group that a list must have a minimum of three names and that if a selection is made from this list, the list is then exhausted.

Report from the Provisional Director:

Director Arntz reported that contract negotiations are progressing. He and members of his staff met with Supervisor Sandoval regarding the supervisor's ideas for public information on the project. Supervisor Sandoval is responsible for presenting the supplemental appropriations for outreach and elections department space. However, because the DoE staff is spending so much time on ranked choice voting, these same people, who would be researching for space, have been unable to do so. Even if the DoE had a location tomorrow, the Department couldn't effectively move in to the location in time for the election.

Kim Knox, a member of the public, thanked the Commission and Provisional Director for the work that has been done so far on ranked choice voting.

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AGENDA
ELECTIONS COMMISSION
Wednesday May 7, 2003
7:00 P. M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Michael Mendelson, President
The Honorable Alix Rosenthal, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian

Shirley Rodriques
COMMISSION SECRETARY



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AMERICAN UNIVERSITY

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ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. Introduction of new Commissioner, the Reverend Arnold Townsend, by President Mendelson.
5. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each agenda item before consideration of that item.
6. Discussion and possible approval of Elections Commission Minutes for: Commission Meeting held on April 16, 2003 and notes of presentation made on April 16, 2003.
7. **President's Report** - Report of the general state of the Commission.
8. **Secretary's Report** - The Secretary will report on the progress in the process to select a permanent Director of Elections.
9. **Annual Election of new Commission Officers.**
10. **New Business:**
 - a. Discussion and possible action whether to institute a performance evaluation procedure for the Commission Secretary.
 - b. Discussion and possible action to schedule a date to interview candidates for permanent Director of Elections.
 - c. Discussion and possible action to approve the Annual Report.
 - d. Discussion and possible action to approve additional materials for inclusion in the Annual Report.
 - e. Discussion and possible action on Commission policy requiring the Elections Department to ensure funding availability before entering into any binding contract with vendors.
11. **Director's Report**
 - Ranked Choice Voting
 - Budget Update
 - Poll Locating
 - Outreach
 - Training
 - Ballot Distribution
 - Voter Services Division
 - Campaign Services Division
 - Election Support Services Division
 - Technology Division
 - Personnel

12. Notice of proposed by-law amendment. A proposed amendment to the Commission by-laws, Article VII, to create a single standing committee for the Commission, will be discussed and voted on at the Commission's next meeting. Under the Commission's by-laws, notice of a proposed amendment to the by-laws must be provided at least ten days prior to consideration of a motion to amend. The proposed by-law change will be available at the department and on the department's website.

ADJOURNMENT

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Posted: May 1, 2003

NOTICE TO AMEND
THE ELECTIONS COMMISSION BY LAWS

It will be moved to amend the Elections Commission's By Laws in the following particulars:

1) Article VII – Committees is amended as follows:

Section 1. Standing Committees as presently written and passed is deleted. In its place and stead is inserted:

Section 1. Standing Committee. The Commission shall have one standing Committee, the General Policy and Budget Committee.

- A. Such Committee shall be responsible for personnel, budget, and investigating functions when called upon to act by the President.
- B. The Committee shall establish procedures necessary and proper to fulfill its Committee function.

This notice is given pursuant to Art. XIII, San Francisco Elections Commission By Laws.



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The Elections Commission

May 07, 2003



City and County of San Francisco

Elections Commission

Approved: May 21, 2003

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Minutes of the Meeting held

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May 7, 2003

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1. President Mendelson called the 36th meeting of the Elections Commission to order

at 7:05 pm.

2. **COMMISSION MEMBERS PRESENT:** Commissioners Michael Mendelson, Alix Rosenthal, Thomas Schulz, Robert Kenealey, Brenda Stowers and Richard Shadoian.

ABSENT: none.

3. **FLAG SALUTE** was led by Commissioner Robert Kenealey.

4. President Mendelson introduced the new Commissioner, appointed by the Mayor, Rev. Arnold Townsend, who then took his seat. Commissioner Townsend said that he wants to work toward achieving good, fair and just elections and that one of his goals is to find a way to increase voter participation, particularly in districts with traditionally low voter turnout.

5. **Public Comment - Charlie Walker** wished the new Commissioner and the Commission good luck. *Cedrick Jackson*, president of the Black Leadership Forum, welcomed Commissioner Townsend and said that he hoped the new Commissioner would be an advocate for underserved communities that are looking for the Commission's support in seeing that there is active voter registration.

6. Discussion and possible approval of Minutes for April 16, 2003 and incorporating a report as part of the record. Commissioner Kenealey **MOVED** to approve the minutes. Vice President Rosenthal **SECONDED**. The voice vote was unanimous. **MOTION PASSED**. President Mendelson requested that the report be made part of the record.

7. **President's Report** - President Mendelson announced that he would not make a report.

8. **Secretary's Report** - Commission Secretary Shirley Rodriques reported that Commission members have presented questions that they would like to have the three candidates for Director of Elections answer during the interview process and that DHR will be formatting the final questions. The Commission will be sitting as a Committee of the whole to conduct the interviews.

9. **Annual Election of new Commission Officers.** - Commissioner Kenealey nominated Alix Rosenthal for the office of Commission President. There were no other nominations. There was a roll call vote that was unanimous. Newly elected President Rosenthal thanked the outgoing President for all his work "during an extremely challenging year." She said some of her goals as President were to encourage greater transparency in the Department, encourage more public participation in Commission meetings, implement ranked choice voting, assist the Department in growing its institutional memory, appoint a permanent Director, conduct productive discussions regarding the role of Commissioners - especially in relation to their appointing offices and conduct a Commission Retreat.

President Rosenthal stated that she has determined that a good practice under the Brown Act and Sunshine Laws is to have public comment after each item in which business is conducted whether or not it is an action item, in addition to public comments during any item before a decision is made. President Rosenthal plans to limit public comment to two minutes for non-action items and three minutes for action items.

President Rosenthal then entertained motions for nominations for a Vice President. Commissioner Kenealey **MOVED** to nominate Michael Mendelson for the office of Vice President. There were no other nominations. There was a roll call vote: Kenealey - Yes; Schulz - **PASSED**; Mendelson - Yes; Shadoian - No; Stowers - Yes; Townsend - Yes. Vice President Mendelson was elected by a vote of five votes in

favor, one against and one pass. MOTION 05-07-03-1, Alix Rosenthal elected President of the Elections Commission; MOTION 05-07-03-2, Michael Mendelson elected Vice President of the Elections Commission.

10. **Director's Report** - Provisional Director Arntz welcomed the new Commissioner.

Ranked Choice Voting - Mr. Arntz reported that the contract for *Ranked Choice Voting (RCV)* still has issues that need to be resolved between the vendor and the City before it can be signed. Mr. Arntz said that these issues were small and could be resolved soon. Supervisor Matt Gonzales of the Board of Supervisors has submitted a supplemental appropriation for \$1.5M to the Finance Committee but it has not been calendared. This presents a time lag for funding for the contract. The DoE has presented an outreach plan to Supervisor Sandoval's office. The plan is estimated to cost \$2.5M and the Supervisor will put forward the supplemental for this amount. This supplemental has not yet been introduced to the Board. Mr. Arntz stated that if the DoE had funding for the contract, it still could not go forward without funding for outreach.

The *Secretary of State* had been scheduled to visit the DoE to observe a practice of the manual vote counting process this past week. This process is what the Department potentially could use if there is no state-certified mechanical system available. There was a scheduling problem and the Secretary of State is expected to visit later this month. However, the DoE went ahead with its practice.

Vice President Mendelson asked the Provisional Director what he thought the total cost for RCV would be, including outreach and labor. Mr. Arntz said that the contract amount, which he doesn't anticipate will change, is for \$1.6M including sales tax. The outreach element will be in addition to this amount. Mr. Arntz stated that he expects the total to be at least \$4M. Commissioner Townsend explained that he was very concerned with the outreach because it needs to explain how the voting works and what voters are expected to do. Commissioner Townsend continued that he thinks elections are continuing to get too complicated and some people are getting turned off to the voting process. Mr. Arntz explained that a single mailing to registered voters will cost \$150,000 and it will take many mailings to explain the RCV system to the voters. The Provisional Director says he plans to use his staff and community organizations to get the information to the voters.

Commissioner Schulz asked the Provisional Director if he had received any significant comments regarding the DoE's manual vote counting plan that was sent to the Secretary of State's office. Mr. Arntz replied that the DoE has received no comments. Commissioner Schulz asked President Rosenthal if it would be possible to ask for a representative from the Secretary of State's Office to come to the Commission and report that office's progress regarding approval of the DoE's plan. President Rosenthal replied that she would work with Mr. Arntz to determine who at the Secretary of State's office would be appropriate to ask.

Commissioner Kenealey asked Provisional Director Arntz when he expects that the contract will be signed. Mr. Arntz said that City practice is not to sign a contract until there are funds to incur.

Commissioner Shadoian asked how far along Elections Systems and Software (ES&S) is on their design. Provisional Director Arntz answered that ES&S has said that it continues to go forward, even though there is no signed contract, however he has not seen any product from them and he must take them at their word. Commissioner Shadoian asked if ES&S has a deadline for when they must produce the product. Mr. Arntz replied that there are proposed incentives that give ES&S more upfront money as they complete each step and it goes before the Secretary of State for approval. The DoE has done this to encourage ES&S to get as much done as possible before June 30, 2003. Commissioner Stowers clarified that there is nothing to prevent ES&S to present their finished program before the contract is signed and Mr. Arntz agreed that Commissioner Stowers' statement was correct. Mr. Arntz explained that ES&S has submitted what it called a preliminary application that was rejected by the Secretary of State.

Budget and Personnel - The Mayor's office will finalize its numbers for the budgets for all departments this weekend. The Departments will not know those numbers, however, for sometime. Mr. Arntz reminded the Commission that although the Fiscal Year begins on July 1st, the money often is not released until sometime in September. The DoE has had two responses for its Request for Proposals (RFP) for ballot printing. There are also RFPs in development for the Voter Information Pamphlet and direct mail services. The Department's Human Resource division took a week-long course to learn the software that handles human resources for the City. This training will allow the DoE to completely take over the task of handling its own human resources from Administrative Services. This will aid the Department in its mandated goal to be an independent department. Training DoE staff to take over invoices and billings will be the next step towards the department's independence.

Poll Locating - For two weeks staff in this division have been reviewing maps using information from the 2000 census to determine if geographic factors cause difficulties for voters. Staff are also visiting every poll location to check for accessibility and usability. A database will be created with this information.

Outreach - This division's staff have been preparing the supplemental information for Supervisor Sandoval's office over the past few weeks. Staff continue to attend community meetings.

Training - The head of this division has been out with a serious illness the past few weeks but has returned.

Ballot Distribution - This division has been working on the RCV manual

process. Commissioner Townsend asked if services have been geared to communities who have traditionally had low voter turn out. Mr. Arntz replied that the DoE treats each district the same and doesn't target low turnout. However, the Department targets information about registration, being a poll worker, and voting. The reason, he said, was that the DoE has to be concerned with the entire City. Therefore, there is no specific targeting of low turn out precincts or areas. However, staff is sent to any community that requests them to meet and give information such as how to mark a ballot, etc. If the DoE were to target areas, it would need much more resources.

Commissioner Townsend stated that it seemed to him that if the Department has limited resources, those resources should be spent not in communities where there is already a high voter turn out, but in communities where the turnout is low. Provisional Director Arntz said that he will not turn down any request for training.

Voter Services - The division had the biggest pool of people involved in preparations for RCV. They continue to update voter registrations records.

Campaign Services - The division continued to hold "Brown Bag Lunches" to educate candidates about expectations and requirements.

Election Support Services - The division is reviewing the information being sent out to poll workers and getting ready for poll worker recruitment.

Technology Division - The division has been involved extensively in the contract negotiations with ES&S.

Commissioner Shadoian asked the Provisional Director what was the current number of registered voters and the number of anticipated precincts. Mr. Arntz replied that there were approximately 436,000 voters and under 600 precincts are anticipated after re-precincting is completed.

Public Comment - *Jon Golinger*, from the Center for Voting and Democracy, offered to work on public outreach and education for RCV.

10. **New Business:**

- a. Discussion and possible action whether to institute a performance evaluation procedure for the Commission Secretary - Commissioner Schulz MOVED to consider this for discussion purposes. There was no SECOND.
- b. Discussion and possible action to schedule a date to interview candidates for permanent Director of Elections - President Rosenthal recommended that the next regularly scheduled meeting of the Commission be used to have a closed session to interview the three candidates for the position of Director of the Department of Elections. She requested the Commission Secretary to proceed with arranging the interviews for that date, Wednesday, May 21, 2003.
- c. Discussion and possible action to approve the Annual Report - President Rosenthal removed this item from the agenda and directed the Budget and Policy Committee to consider it at its next meeting.
- d. Discussion and possible action to approve additional materials for inclusion in the Annual Report - President Rosenthal removed this item from the agenda and directed the Budget and Policy Committee to consider it at its next meeting.
- e. Discussion and possible action on Commission policy requiring the Elections Department to ensure funding availability before entering into any binding contract with vendors - President Rosenthal removed this item from the agenda and directed the Budget and Policy Committee to prepare the wording for this new policy at its next meeting.

Meeting Adjourned at 8:20 pm

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Elections Commission >> Meeting Information >> Election Commission (Full Commission)



The Elections Commission

May 21, 2003



AGENDA

ELECTIONS COMMISSION

Wednesday May 21, 2003

7:00 P. M.

City Hall, Room 400

1 Dr. Carlton B. Goodlett Place

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COMMISSIONERS

The Honorable Alix Rosenthal, President

The Honorable Michael Mendelson, Vice President

The Honorable Robert Kenealey

The Honorable Thomas Schulz

The Honorable Brenda Stowers

The Honorable Richard Shadoian

The Honorable Arnold Townsend

Shirley Rodriques

COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear public comment on each agenda item before consideration of that item.

4. Discussion and possible action whether to hold a Closed Session pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10(d) to consult with legal counsel regarding litigation in the matter of Tammy Haygood's termination of employment.

5. **CLOSED SESSION:** Conference with legal counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10(d) regarding litigation in the matter of Tammy Haygood's termination of employment.

6. Discussion and vote pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12 whether to disclose action taken or discussions held in closed session

7. **President's Report**

8. Director's Report

- Ranked Choice Voting
- Voter Services Division
- Budget Update
- Campaign Services Division
- Poll Locating
- Election Support Services
- Division
- Outreach
- Technology Division
- Training
- Personnel
- Ballot Distribution

9. New Business:

a. Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on May 7, 2003.

b. Discussion and possible action to urge the Board of Supervisors to adopt a resolution opposing proposed state legislation AB 1531 and SB 430, which would require two primary elections in presidential primary election years

c. Discussion and possible action to approve bylaws amendment. Notice of proposed by-law amendment. A proposed amendment to the Commission by-laws, Article VII, to create a single standing committee for the Commission, will be discussed and voted on at the Commission's next meeting. Under the Commission's by-laws, notice of a proposed amendment to the by-laws must be provided at least ten days prior to consideration of a motion to amend. The proposed by-law change will be available at the department and on the department's website.

10. Old Business:

1. Discussion and possible action to approve the Annual Report.

1. Discussion and possible action to approve a Commission Policy requiring the Elections Department to ensure funding availability before entering into any binding contract with vendors.

11. Discussion regarding items for future agendas.

12. **Public comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

Posted: May 1, 2003

NOTICE TO AMEND

THE ELECTIONS COMMISSION BY LAWS

It will be moved to amend the Elections Commission's By Laws in the following particulars:

- 1) Article VII - Committees is amended as follows:

Section 1. Standing Committees as presently written and passed is deleted. In its place and stead is inserted:

Section 1. Standing Committee. The Commission shall have one standing Committee, the General Policy and Budget Committee.

- A. Such Committee shall be responsible for personnel, budget, and investigating functions when called upon to act by the President.
- B. The Committee shall establish procedures necessary and proper to fulfill its Committee function.

This notice is given pursuant to Art. XIII, San Francisco Elections Commission By Laws.

Disability Access

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Elections Commission >> Meeting Information >> Election Commission (Full Commission)



The Elections Commission

May 21, 2003



City and County of San Francisco

Elections Commission

Approved: June 4, 2003

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Minutes of the Meeting held

May 21, 2003

1. President Rosenthal called the meeting to order at 7:13 pm.

2. **COMMISSION MEMBERS PRESENT:** Robert Kenealey, Thomas Schulz, Michael Mendelson, Richard Shadoian, Arnold Townsend and Alix Rosenthal.

ABSENT: Brenda Stowers.

1. *John Golinger* presented a letter to the Commission and commented on the public education plan for ranked choice voting.

4. Commissioner Shadoian **MOVED** that the Commission go into closed session pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10 (d) to consult with legal counsel regarding litigation in the matter of Tammy Haygood's termination of employment. Commissioner Kenealey **SECONDED**. The Commission vote was unanimous.

5. Commission went into Closed Session at 7:15 pm.

6. Commission reconvened in Open Session at 7:40 pm.

7. Commissioner Shadoian MOVED pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12 to disclose the discussion from the closed session. Commissioner Schulz SECONDED. The Commission vote was unanimous. President Rosenthal reported that the Commission had discussed the vote of the Board of Supervisor's Rules Committee held earlier in the day. The Rules Committee voted 2 to 1 not to recommend the City's settlement with Tammy Haygood. The Commission stands behind the proposed settlement ordinance and believes it is in the best financial interest of the City. The Commission feels the settlement will promote healing in all communities. The Board of Supervisors will be taking up the settlement issue at its June 10, 2003 meeting.

8. **PRESIDENT'S REPORT:** President Rosenthal reported that the California Secretary of State's office and the Elections Commission received a letter this week from a law firm, Remcho, Johansen & Purcell, purporting to represent several minority voters and stating that they would like to participate in the review of the DoE's submission of a hand counting system for votes. The letter stated that ranked choice voting (RCV) may violate some citizen's constitutional rights.

President Rosenthal announced that the Commission appointed John Arntz to a five-year term as Director of Elections, subject to Civil Service rules, at its Special Meeting earlier this day. The President also reported that she has appointed Vice President Mendelson to the Budget and Policy Committee.

President Rosenthal pointed out that there are copies of the Department's RCV Education Outreach Plan available for the public on the information table at this meeting. She also reported that she has invited John Mott-Smith, of the Secretary of State's office, to come to the June 18th Commission Meeting.

Public Comment: *Steven Hill*, commented on the letter that the President mentioned was received by the Secretary of State and the Elections Commission.

9. **DIRECTOR'S REPORT:** Director John Arntz reported that the supplemental appropriation at the Finance Committee of the Board of Supervisors to cover the contract costs for modification of the optical scan system was presented earlier today. The Committee voted to move the appropriation to the full Board on June 6. The Rules Committee also met today, and Supervisor Gonzales brought forward the proposal that there would be three early voting stations in each of the

City's eleven districts (33 stations). These stations would open ten days before the election. Director Arntz explained that this would take a lot of staffing and he gave the example of Los Angeles which tried to provide nine early voting sites for its county over the last three to four years and has just become successful in that goal and hopes to achieve 21 sites over the next few years. The DoE is to provide a framework for early voting sites and a timetable for the Board to consider.

Commissioner Schulz asked if he was correct in assuming that the DoE has a hand counting back up plan should the eagle machines not be modified in time for the next election or if the contractor doesn't meet its responsibilities or the funds are not made available. The Commissioner asked if the early July deadline for the vendor was still viable. Director Arntz replied that the vendor, ES&S, has now stated that the deadline must be pushed to August 1st because the vendor cannot have a system completed by July 1st.

Mr. Arntz stated that the DoE, at the present time, has "nothing" to perform the election this year. Ballots to the overseas voters go out in three months. Ballots for early and absentee voting are to go out in four months. The Director said that he is not worried about RCV, he is worried about the election at this point. The administrative appeal that is before the Secretary of State is serious, because if it delays certification it would be a serious problem. He reminded the Commission that the March primary election will be a substantial election as well as the Presidential election that will follow.

The DoE is obligated under the Charter to move forward with RCV and has no other choice until the DoE is told to give up on RCV. However, the Department cannot wait until the last minute.

Commissioner Schulz stated that the Commission has to make the decision to go or not to go with RCV, not the lobbyist, not the Board of Supervisors or the Mayor. The Commissioner asked the Director if he could give the Commission his assessment of the proposal that was presented by the public speaker from the Center for Voting and Democracy at tonight's meeting.

Director Arntz stated that he could make comments on that proposal but reminded the Commission that until there is funding, it's difficult to know how much the DoE has to spend on outreach. Originally the Department asked for \$2.7M but currently has only plans to spend \$600,000.

Mr. Arntz said that representatives from the Secretary of State's office will be at the DoE to observe a demonstration of the hand counting process next week.

President Rosenthal asked the Director if her understanding was correct that because negotiations with ES & S are ongoing, and if RCV is not implemented by November, the eagle machines would not be able to run a regular election. Director Arntz replied that this statement was correct.

President Rosenthal asked the Director if her understanding was correct that the change in the law that implemented RCV also eliminated the provisions for holding a runoff election. Director Arntz replied that this statement was correct.

Mr. Arntz reported that the Mayor's office continues working on the budget and is trying to transition employees who have been laid off into other departments. This presents a serious problem for the DoE because staff, who have years of experience and institutional memory, can be replaced with laid off employees from other departments.

The Director reported that re-precincting has lowered the number of poll locations from 643 to 562 including 18 mail ballot precincts. These fewer precincts will translate into cost savings and more efficiency. Commissioner Townsend expressed concern that lowering the number of precincts may not increase voter participation.

Director Arntz reported that his staff is working on an alternative security plan for the November election because the Sheriff is running for re-election and during elections where that office is on the ballot, the Sheriff's Department cannot provide security.

There will be an Economic Assessment Zone Election in which land owners who have property facing Union Square will be voting. This is an election for which the DoE was not budgeted. However, Supervisor Peskin has assured the Director that funds will be made available.

Rachel Gosiengfiao, manager for Campaign Services and Outreach, gave a brief report of her divisions. There will be a Candidate Brown Bag Lunch workshop tomorrow in which the main focus will be the signature in lieu process. There will also be information for voter registration drives and an RCV demonstration and all Commissioners are invited. As of today, there are five initiative petitions circulating. Ms. Gosiengfiao reported that she met with the League of Women Voters a week ago to explain the RCV process.

Commissioner Shadoian asked when was the final filing date for candidates. Ms. Gosiengfiao replied that it was August 8th and currently there are 23 candidates for the Mayor's race, three for District Attorney and one for Sheriff. Commissioner Townsend asked for a list of the Community Organizations the DoE is contacting

regarding RCV training.

Public Comment: *Pat Soberanis* said that she has been working on weekends trying to get people registered to vote and that many people do not know how to get voter registration cards. She asked that the Commission consider mailing voter registration cards to every address in the City under "occupant." *Angela Ramsey* suggested that the Director have adequate technical advisers with him during negotiations with the vendor for RCV. *John Golinger* spoke about the Center for Voting and Democracy's offer to help the Department. *Steven Hill* stated that he could email to the Commission and the Director a copy of the Secretary of State's process and regulations for applications and suggested that the Commission, Director or City Attorney send a letter to that office asking them how much longer their process of approval was going to take.

10. (a) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on May 7, 2003. Commissioner Schulz said that the vote reflected in the minutes for Vice President erroneously stated that he abstained and should be corrected to show that he passed. Vice President Mendelson MOVED to accept the minutes with the correction, Commissioner Kenealey SECONDED. Vote was unanimous to approve the minutes of May 7th.

(b) Discussion and possible action to urge the Board of Supervisors to adopt a resolution opposing proposed state legislation AB 1531 and SB 430, which would require two primary elections in presidential primary election years. Commissioner Kenealey MOVED that the Commission go on record as opposing these bills. SECONDED by Commissioner Shadoian.

Public Comment: Someone asked that this legislation be explained. Director Arntz stated that the bills would call for two primaries, one state and one presidential, each on different Tuesdays in June, but the Presidential Primary would remain in March. In effect, there would be three primaries to staff and fund. Mr. Arntz stated that every county was against these bills.

Vice President Mendelson offered to MOVE to substitute Commission approval of the resolution that the Director has presented to the Commission urging the Board of Supervisors to oppose these legislations as the action on this item. President Rosenthal asked Commissioner Kenealey if he would accept this friendly amendment. The vote was unanimous to approve the resolution.

(c) President Rosenthal noted that this agenda item was not worded properly to allow action at this meeting. This item will be moved to the June 4th meeting.

11. **Old Business:** President Rosenthal tabled this item.

12. **Discussion regarding items for future agendas:** Commissioner Shadoian asked that the Commission calendar discussion and possible action to adopt a policy that the DoE will have a procedure for receiving and responding to complaints of violations of elections laws and to report to the Commission on a quarterly basis the volumes, type and disposition of these complaints.

Commission Townsend asked that RCV Outreach be on the June 18th agenda and that representatives of the vendor be at the meeting as well.

Commissioner Shadoian asked that at a future meeting, the Director report to the Commission on how the DoE does public notification.

The meeting adjourned at 8:57 pm.

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ELECTIONS COMMISSION
City and County of San Francisco



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AGENDA
ELECTIONS COMMISSION
Wednesday June 4, 2003
7:00 P. M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each agenda item before consideration of that item.
4. **President's Report:**
 - An update from the Secretary of State regarding RCV
 - An update regarding RCV-related funding
5. **Committee Reports**

Budget and Policy Committee to report on:

- (a) General policies on fiscal accountability and responsibility for the Department of Elections.
 - (b) Amendment of Article 9 of Bylaws deleting "annals" and substituting "annual report."
 - (c) Status of Commission Annual Report, and any addenda thereto.
-
6. **Director's Report**
 - Ranked Choice Voting
 - Budget Update
 - Poll Locating
 - Outreach
 - Training
 - Ballot Distribution
 - Voter Services Division
 - Campaign Services Division
 - Election Support Services Division
 - Technology Division
 - Personnel
 7. **New Business:**
 - (a) Discussion and possible approval of Elections Commission Minutes for the Special Meeting held on May 21, 2003.
 - (b) Discussion a possible approval of the Elections Commission Minutes for the regular Commission Meeting held on May 21, 2003.
 - (c) Discussion and possible approval of Elections Commission's Budget and Policy Committee Minutes for the meeting held on May 27, 2003.
 - (d) Discussion and possible action to adopt a resolution that the Department of Elections have a procedure for receiving and responding to complaints of violation of elections laws and to report to the Commission on a quarterly basis the volumes, type and disposition of these complaints.

(e) Discussion and possible action to approve the Budget and Policy Committee recommendation to adopt a general policy on fiscal accountability and responsibility for the Department of Elections.

(f) Discussion and possible action to approve an amendment to the Commission bylaws, Article VII, to create a single standing committee for the Commission.

8. **NOTICE IS HEREBY GIVEN** that at its meeting on June 18, 2003, the Commission will consider approval of an Amendment to Bylaws Article XI deleting the word "annals" and inserting instead "annual report," and providing that the President prepares the annual report, with the approval of the Commission. The proposed amendment will be available at the Department and at the Commission Office.
9. **Public comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

Disability Access

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The Elections Commission

June 04, 2003

City and County of San Francisco

Elections Commission

Approved: 06/18/03

Minutes of the Meeting held

June 4, 2003



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1. President Rosenthal called the meeting to order at 7:05 pm.

2. **COMMISSION MEMBERS PRESENT:** Commissioner Robert Kenealey, Commissioner Brenda Stowers, Commissioner Richard Shadoian, President Alix Rosenthal and Commissioner Arnold Townsend. **ABSENT:** Commissioner Thomas Schultz and Vice President Michael Mendelson.

3. **PUBLIC COMMENT.** *Jonee Levy* congratulated the Commission on the Board of Supervisors passage of two supplemental budget appropriations; one for software and one for outreach.

4. **PRESIDENT'S REPORT:** President Rosenthal reported that ES&S has submitted procedures to the Secretary of State's office, however, nothing has been received by the Department. The Commission has received the Civil Grand Jury's report of May 21, 2003. The findings of the Grand Jury were consistent with the DoE's stated goals, such as consolidation of space and poll worker training. A representative of the Civil Grand Jury will be making a presentation to the Commission at a future meeting. The Finance Committee of the Board of Supervisors has funded the Department's outreach program for \$526,000 - this is considerably less than the \$1.4M requested. On June 10, 2003, the ES&S contract modification for \$1.6M comes before the Board. The President invited the public to attend the June 10th Board of Supervisors meeting.

5. COMMITTEE REPORTS:

Budget & Policy Committee - Commissioner Stowers reported that item #7(e) on today's agenda regarding fiscal accountability was discussed at the Committee's May 27th meeting. The proposal calls for the DoE to inform the Commission of the total cost when it is asked to approve a partial payment, to ensure that adequate funding is available before entering a major contract, and appropriate staff become thoroughly conversant in the City's purchasing rules, regulations and application. One question discussed in Committee was whether this policy was already covered by current Charter Law. Part of this proposal is in the Charter but purchasing rules and regulations are not. The policy is asking the DoE to do more than the Charter requires. One reason for the policy is that under the previous director, the Department spent monies without informing the Commission of the full expense. The Committee voted to put the policy in place as a precaution to keep the same situation from recurring.

Additionally, the Committee discussed amending the Bylaws to substitute an Annual Report for the Commission's Annals. The Committee decided to recommend that the Commission amend the Bylaws to accomplish this.

The status of the Annual Report and the possibility of an addendum to that report was discussed. The report submitted by the President is still in Committee and will be taken up at the Committee's June 16th meeting for further review. The Committee, after thorough review of the two addenda proposed, decided they were redundant to the President's report except in the reporting of the Elections Task Force which will be included. The Committee hopes to submit the final report to the Commission after the Committee's June 16, 2003 meeting.

Ranked Choice Voting- Director John Arntz reported that the contract with the vendor, Elections Systems and Software (ES&S), was completed and the Board of Supervisors will have its second reading next Tuesday. If the monies are appropriated, the DoE will enter into a contract with ES&S.

Supervisor Sandoval submitted a supplemental appropriation to the Board for the outreach proposal for \$2.4 Million. The budget analyst proposed lowering the amount to \$500,000 to be put on reserve until the Secretary of State certifies an election system. The Committee increased that proposal by \$26,000. This change means that next Wednesday in Room 263 of City Hall there will be another hearing of the Finance Committee on the outreach supplemental. If it's approved the full Board will consider the supplemental appropriation and the DoE will know if the amount will be on reserve.

The Director stated that he had heard that ES&S submitted procedures to the Secretary of State's office. These cover how Ranked Choice Voting (RCV) will affect the use of the optical scan system voters use. The Director stated that he has not been contacted by the Secretary of State or ES&S and doesn't know what was actually submitted. Procedures must be submitted 45 days before the actual application is submitted.

A representative of the Secretary of State will be visiting the DoE next week to observe the hand count procedure. Director Arntz reminded the Commission and the public that the DoE currently has no system to use for the November election and everything is in the hands of other people, i.e., the Secretary of State and ES&S.

Commissioner Stowers asked about the 45 day timetable ES&S has to have submitted their procedures and if that company was on schedule. Mr. Arntz replied that his timetable was "as soon as possible," and reminded the Commission that there is a clause in the ontract that stipulates that if there is no certification by August 1st, the Director of Elections could withdraw from the RCV portion of the contract. Commissioner Townsend asked the Director if ES&S was the DoE's vendor. Director Arntz replied affirmatively. The Commissioner then asked why, if that is the case, they would not give us the information they submitted to the Secretary of State's office.

Commissioner Kenealey asked the Director if the Secretary of State has let him know the office's position on the manual count. Director Arntz answered that they have not but agents of the Secretary's office will be on site to see a demonstration of the manual count, and the DoE is expecting feedback from that visit. The Director added that the Secretary of State gave the DoE questions on procedures. Those questions have been answered and returned.

Commissioner Kenealey asked the Director if he could provide timelines or a flow chart for the next meeting that would show when the Department would need the money to hire 500 additional workers if there is to be a manual count, and other contingencies that need to be met for the upcoming election. Director Arntz stated that he would attempt to put a flow chart together in time for the June 18, 2003 meeting.

Budget- the Mayor's office has submitted its proposed budget to the Board. Mr. Arntz will go before the Budget Committee next week to defend the DoE budget. There will be at least two more meetings. The Department continues to pay bills from the last fiscal year. Since staff has been taking days off without pay, the DoE has met its mandated goal of cutting ten percent from last year's budget, and we've been able to pay additional bills that were not paid. Sequoia Printing has been selected to print the ballots for the November election, they have been our printer in the past. The Voter Information Guide (VIP) is currently being reviewed by the Department. There

were two submissions as a result of the Department's RFP for layout and translation of the VIP.

Commissioner Rosenthal asked if there was a chance that staff would have to be laid off due to funding shortages as was the case last year. Mr. Arntz responded that processes have been examined to make the Department more efficient and he feels the staffing is in good shape for this year. The Commissioner congratulated the Director and the Department for being able to keep staff on through the end of the year. Director Arntz reminded the Commission that this is the first time since 1998 that the DoE hasn't had to request a supplemental appropriation after the election season.

Poll Locating- This division's site reviews continue. It has been difficult to contact people in some of the public buildings like churches, because many are closed during the work week.

Outreach- This division has created a power point presentation for the community outreach effort that includes RCV. Staff is translating flyers and posters, and is scheduling community events.

Training- The person in charge of this division also prepares election day activities. He has been working on the vehicle plan, City Hall use plan - because the Department always takes over the building during an election, parking plans for the Civic Center area, preparing badges, preparing the agenda for the next training advisory board meeting, and preparing an "on-line" training component - not to replace the physical training on site, but to augment the training.

Ballot Distribution- This division is finalizing the business district election for the Union Square area. Staff has been surveying our supplies at the DoE's warehouses. The division has contacted Los Angeles regarding that city's early voting program because the Board of Supervisor's Rules Committee requested information on the possibility of such a plan for San Francisco.

Voter Services- Candidates have begun to drop off signatures in lieu of filing fees. They get 50 cents for each registered voter. So far, 8000 signatures have come in for processing. Absentee Ballot applications have been put on our website and the division is working with Ballot Distribution to arrange for early voting satellites throughout the City.

Campaign Services- This division has received declarations of intent for the 2004 elections from a number of candidates. The staff is currently working on three

elections after this November's election. For November, they have distributed thousands of registration cards for drives. They also work with Voter Services on the signatures in lieu process. There was a Brown Bag Luncheon Meeting last week, at which Commission Arnold Townsend was an attendee. The attendance for these meetings is increasing as the election draws near and there are plans to have two each month and more frequently as we near November.

Commissioner Stowers asked the Director if he had information on the potential size of this election's VIP. Director Arntz stated that the size would depend on whether or not there will be paid ballot arguments. The issue of eliminating these ballot arguments goes before the Board of Supervisors next Thursday.

Personnel – The DoE now has complete oversight and control of its personnel matters. In the past, this has been handled by the department of Administrative Services.

Commissioner Shadoian asked about the status of security for the election. Director Arntz replied that the department is developing several plans, one of which is to hire off duty police officers. Commissioner Shadoian asked if it was definite that the DoE could not use Deputy Sheriffs for the November elections because the office of Sheriff is on the ballot. Mr. Arntz replied that the answer was not clear. The Charter states that the Director is to make an alternative security plan and present it to the Commission which then makes a decision. Mr. Arntz said that he sees nothing in the amendment that prevents the DoE from using deputy Sheriffs. The Commission requested that the City Attorney provide it advice on this issue.

Public Comment: *John Golinger* asked if there will be discussion on the outreach plan at a future Commission meeting. He also stated that Supervisor Peskin had made it clear to him that the monies for outreach were not to be put on reserve. *Angela Ramsey* asked if there could be a task force focusing on technology for RCV. *Charles Kalish* asked if the manual counting process has been certified. He said a timetable of what needs to be done is necessary for citizens. *Steven Hill* said his understanding of the product ES&S presented to the Secretary of State, after speaking to Joe Taggart, is that it is a complete, full application totaling 102 pages.

7. New Business

(a) Discussion and possible approval of Elections Commission Minutes for the Special Meeting held on May 21, 2003. MOTION for approval CARRIED unanimously.

(b) Discussion and possible approval of the Elections Commission Minutes for the regular Commission Meeting held on May 21, 2003. MOTION for approval CARRIED

unanimously.

(c) Discussion and possible approval of Elections Commission's Budget and Policy Committee Minutes for the meeting held on May 27, 2003. MOTION for approval CARRIED unanimously.

(d) Discussion and possible action to adopt a resolution that the Department of Elections have a procedure for receiving and responding to complaints of violation of elections laws and to report to the Commission on a quarterly basis the volumes, type and disposition of these complaints. Commissioner Shadoian MOVED to adopt.

Discussion: President Rosenthal asked the Director if it was true that the Secretary of State's office (SOS) offers a pamphlet on voters' rights including election fraud and directing interested citizens on how to report election fraud. Director Arntz responded that this was true. Additionally, the Director said, the SOS provides a form and a 44 page voter fraud booklet on its website. President Rosenthal asked if the DoE could provide this information to citizens who ask for it. Mr. Arntz answered that the department could make this information readily available at the front desk and provide a form that citizens could fill out and submit to the District Attorney's Office.

Commissioner Townsend commented that his concern was that threats of voter fraud are used to intimidate citizens from voting. He said these threats are used against people of color, especially Hispanic voters who may be accused of being non-citizens. The Commissioner said he is "cautious" on this topic.

Commissioner Stowers said she was concerned because the policy was asking the Director to provide a specific kind of report that he is to write and submit to the Commission. There are codes already in place for voter fraud. The Commission needs to have faith that the Director will bring these things to the Commission's attention, and not get involved in day to day department activities and ask for a report every quarter on this matter.

President Rosenthal suggested that the Commission ask the Director to provide to any citizen who has a fraud complaint, the SOS information, and how to file a complaint with the District Attorney's Office. She asked Commissioner Shadoian if this would be agreeable to him. Commissioner Shadoian replied that it would not. He stated that he wanted a specific policy in place.

Public Comment: *Steven Hill* said that it made sense to him that there be a policy so that citizens can report what they suspect to be voter fraud. He said that the

Secretary of State's office was in Sacramento. Commissioner Townsend reminded Mr. Hill that there was a Secretary of State's office across the street from City Hall.

President Rosenthal called for the vote. MOTION failed.

(e) Discussion and possible action to approve the Budget and Policy Committee recommendation to adopt a general policy on fiscal accountability and responsibility for the Department of Elections.

Commissioner Stowers reported that the Budget Committee recommended that the Commission adopt this policy that holds the Director accountable for letting the Commission know in advance what would be spent.

Commissioner Stowers asked Director Arntz if the policy was representative of how he performed day to day business. Mr. Arntz replied that he wasn't sure if the policy means that the DoE must get every contract authorized through the Commission, because that was his understanding as he read it. Further, he said he didn't understand the partial appropriation section or the section which reads "the Director and his staff shall become fully conversant" - what is the threshold for "fully conversant in purchasing rules?", Mr. Arntz asked. He said his staff always wants to do things properly and is in constant contact with the City's purchasing department, however, staff may not know everything all the time - and may need to seek answers. Director Arntz continued that the policy formalizes what the department does already, but creates high expectations.

Commissioner Townsend stated that Commissioners need to be very careful not to become "staff". He said that we have a Director and staff that the Commission trusts and when the Commission no longer trust them, the Commission should hire new people. The Commissioner said that he has worked in situations where approval or notification was needed for contracts over a certain amount and that it is not a good idea to wait two weeks until the Commission meets for approval under some situations. Commissioner Townsend said that he felt the Commission shouldn't take that control away from our Director.

Commissioner Shadoian agreed and added that it is difficult to know the total program cost and timetable to report to the Commission. This would put a lot of restrictions on our Director.

President Rosenthal asked Commissioner Stowers if she would want to withdraw her motion and consider the Commission's comments for redrafting a motion or have a vote on the motion now. Commissioner Stowers agreed to put the MOTION to vote.

The motion FAILED.

(f) Discussion and possible action to approve an amendment to the Commission bylaws, Article VII, to create a single standing committee for the Commission. This item was TABLED until the next meeting.

8. **Notice is hereby given** that at its meeting on June 18, 2003, the Commission will consider approval of an Amendment to Bylaws, Article XI, deleting the word "annals" and inserting instead "annual report," and providing that the President prepares the annual report, with the approval of the Commission. The proposed amendment will be available at the Department and at the Commission Office.

9. **Public Comment:** *Steven Hill* said that the Department should concentrate on how to vote instead of how the system works. Additionally, he suggested that the Secretary of State does not have to certify the procedure for a manual count of ballots, just the voting equipment. *Charles Kalish* asked who, in the Department, was in charge of educating voters regarding RCV. *Lucy Colvin* encouraged the Commission to support RCV.

Meeting ADJOURNED at 8:40 pm.

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The Elections Commission

June 18, 2003

AGENDA

ELECTIONS COMMISSION

Wednesday June 18, 2003

7:00 P. M.

City Hall, Room 400

1 Dr. Carlton B. Goodlett Place

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COMMISSIONERS

The Honorable Alix Rosenthal, President

The Honorable Michael Mendelson, Vice President

The Honorable Robert Kenealey

The Honorable Thomas Schulz

The Honorable Brenda Stowers

The Honorable Richard Shadoian

The Honorable Arnold Townsend

Shirley Rodriques

COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each agenda item before consideration of that item.

4. **Possible Closed Session** to confer with counsel.

(a) Discussion and possible action whether to hold Closed Session pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10(d).

(b) **CLOSED SESSION:** Conference with legal counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10(d); litigation in the matter of Tammy Haygood's termination of employment. Number of possible cases: 1.

(c) Discussion and possible action regarding disclosure of closed session pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.

5. **President's Report**

- Ranked Choice Voting: Proposed plan to gather public input concerning public education and outreach.

6. **Committee Report**

- Budget and Policy Committee to report on the status of Commission Annual Report.

7. **Presentation by Representative of Election Systems and Software (ES&S)**

- ES&S application to the Secretary of State for approval of a new software system to implement ranked choice voting on the City's existing election equipment.
- ES&S plan to assist with educating voters about ranked choice voting.

8. **PUBLIC HEARING REGARDING OUTREACH PLAN TO BE IMPLEMENTED FOR RANKED CHOICE VOTING**

- Presentation by Rachel Gosiengfiao, Outreach Manager for the Department of Elections, regarding the funds appropriated by the Board of Supervisors for public education and outreach, and the Department's proposed procedures for granting these funds to private organizations to assist with voter education.
- Public comments regarding the Department's Outreach Plan for Ranked

Choice Voting.

9. Director's Report

- | | |
|------------------------|------------------------------|
| • Ranked Choice Voting | • Voter Services Division |
| • Budget Update | • Campaign Services Division |
| • Poll Locating | • Election Support Services |
| Division | |
| • Outreach | • Technology |
| Division | |
| • Training | • Personnel |
| • Ballot Distribution | |

10. New Business

(a) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on June 4, 2003.

(b) Discussion and possible action to approve an amendment to the Commission Bylaws, Article VII, to create a single standing committee for the Commission.

(c) Discussion and possible action to approve an amendment to the Commission Bylaws, Article XI, deleting the word "annals" and inserting instead "annual report," and providing that the President prepares the annual report, with the approval of the Commission.

11. Discussion regarding items for future agendas.

12. **Public comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

Disability Access

The Elections Commission meeting will be held in Room 400, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from

the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.

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Posted: June 6, 2003

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NOTICE TO AMEND
THE ELECTIONS COMMISSION BYLAWSSAN FRANCISCO
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At its regular meeting at 7pm on June 18, 2003, in City Hall Room 400, the Elections Commission will consider amending the Commission's Bylaws as follows:

Article XI ("Commission Annals") is hereby amended as follows:

1. The word "annals" is hereby deleted wherever it is used in Article XI and replaced with the term "Annual Report."
2. Section 1A of Article XI is hereby amended to read as follows:

"Each year, the Commission President, in conformance with Charter Section 4.103, shall prepare the Annual Report for Commission approval and after such approval post such report according to the requirements of the Charter."
3. Section 1C of Article XI is hereby amended to add the following:

"as well as to conform to the San Francisco Charter provisions that apply to Annual Reports."

This notice is given pursuant to Art. XIII, San Francisco Elections Commission Bylaws.



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The Elections Commission

June 18, 2003



City and County of San Francisco

Elections Commission

Approved: July 16, 2003

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Minutes of the Meeting held

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June 18, 2003

1. President Rosenthal called the meeting to order at 7:08 pm.
2. **COMMISSION MEMBERS PRESENT:** Commissioner Robert Kenealey, Commissioner Brenda Stowers, Commissioner Richard Shadoian, President Alix Rosenthal, Commissioner Thomas Schulz, Vice President Michael Mendelson and Commissioner Arnold Townsend.
3. **CLOSED SESSION:** The Commission MOVED to go into closed session at 7:14 pm. The Commissioner returned to open session at 7:37 pm. It was MOVED to not disclose the closed session discussion. Motion CARRIED.
4. **PRESIDENT'S REPORT:** President Rosenthal told the over flow audience that the Commission welcomed their input. She reminded the audience that the topic of Ranked Choice Voting Outreach would also be on the agenda for the next meeting on July 2, 2003.

5. **COMMITTEE REPORTS:** Chairperson, Brenda Stowers announced that the Budget and Policy Committee was not ready with its report but would present at a future meeting.

6. **Presentation by Representative of Election Systems and Software (ES&S):**

Joseph Taggard, Regional Sales Vice President of ES&S, explained that his company has been contracted to provide an automated solution to ranked choice voting (RCV) for implementation in the November 2003 election. The company submitted a 104 page application for certification to the Secretary of State's office (SoS) on June 2, 2003. This application was submitted one month earlier than originally planned. Mr. Taggard said that the process is now taking its prescribed course. Additionally, the SoS requested that ES&S provide testing materials, which ES&S has sent, and a working production unit, which will be ready on June 26, 2003.

The working model will go through an exhaustive testing period by the consultant that the SoS has chosen.

Commissioner Townsend asked if Mr. Taggard knew how long this test would take. Mr. Taggard replied that he did not but that he felt the SoS will give it immediate attention, and that after the consultants produce their report and either recommend or not recommend certification, it becomes a consent agenda item of the Voting Systems Panel of the SoS.

Commissioner Schulz asked at what point in time it would be possible or not possible to have an automated solution available for the ballot as designed. Mr. Taggard responded that in his opinion, it can be as late as September first.

Commissioner Kenealey asked if approval is given, was there some manufacturing that must be done to make sure that the existing eagle voting machines have the hardware and software needed for the election and how long would that take. Mr. Taggard replied that a four person team, over a two week period, could upgrade the 682 eagle voting machines to make them RCV ready.

Mr. Taggard told the Commission that he had visited the DoE the previous day and met with the Director and staff who were responsible for RCV Outreach. He offered ES&S's assistance in the form of a possible Public Service Announcement, posters, other collateral materials and even onsite discussions in the various City communities.

7. **PUBLIC HEARING REGARDING OUTREACH PLAN TO BE IMPLEMENTED FOR RANKED CHOICE VOTING.**

Rachel Gosiengfiao, Outreach Manager for the Department of Elections, reported that a target of the outreach will be older voters, voters with English as a second language and areas of low voter turnout. The DoE will be working with community organizations in its efforts to educate voters about Ranked Choice Voting (RCV). Grass roots organizations will submit a Grant Proposal Survey, which contains eleven questions and five requirements to meet, to the Department by June 20 but the deadline may be extended, depending on the number of submissions received by that date. The selected organizations must show how they will effectively reach out to all voters and must meet the following criteria: non-profit/nonpartisan with 501(c) status, a minimum of three years experience in community organizing, a proven record with working with other groups in the community, providing a minimum of 50 Chinese or Spanish bilingual poll workers for the November 2003 election. The DoE will select one organization per district. \$526,000 is budgeted for Outreach.

Public Comments regarding the Department's Outreach Plan for Ranked Choice Voting.

The following people spoke on this subject or on Ranked Choice Voting:

Tab Buckner	Susan Vaughn	Greg Kamin	Rufus Davis
Susan Hall	James Bryant	Bill Henslin	Robert Haaland
Myrna Lim Macias	Denis Mosgofian	Willie Ratcliff	Esperenza
Mark Stout	Ron Dicks	Salli Fune	Edward Mendoza
Susan Peters	David Schmidt	Joe Rowe	Tony Brasunas
Lucy Colvin	Howard Wallace	Daisy Anarchy	Sally Ann Buchmann
Richard Ow	Jennifer A. Waggoner	Jerry Threet	Philip Nguyen
Jon Golinger Rogers	Cedric Jackson	Steven Hill	Deborah Glenn-
Brenda Henry			

Commissioner Townsend stated that half the speakers commented on what they thought about Ranked Choice Voting not on the topic of the hearing, the Department's Outreach Plan. He also commented on the statement echoed by several of the speakers, that voters need to know how to vote and not how the system of selecting the winning candidate works. The Commissioner said that this attitude was insulting to voters. Additionally, the Commissioner commented that he would like to see more African-American newspapers included in the DoE's outreach. He invited the audience to come back to the next meeting of the Commission and be prepared to let the Commission know their suggestions to the Department's Outreach plan.

Commissioner Shadoian asked how many flyers were sent out asking for groups to apply for a grant to participate in the outreach. Rachael Gosiengfiao answered that the information was sent out by fax to over 200 organizations last Friday. The deadline of June 20 for the survey may be extended. The Commissioner asked Ms. Gosiengfiao to reconsider the criteria that each district recruit 50 poll workers who either speak Spanish or Chinese because some, for example the Marina, may find this difficult. Ms. Gosiengfiao replied that she would look into changing or rewording the criteria.

President Rosenthal encouraged everyone in the audience to consider volunteering to work at the polls for the election.

8. Director's Report

John Arntz reported that Elections Chief, John Mott Smith of the Secretary of State's office ("SoS"), and the General Counsel for the SoS visited the Department to observe the demonstration for hand counting ballots. The demonstration began in Brooks Hall and showed the media and the SoS representatives the difficult conditions under which DoE staff must work. The demonstration originally included two precincts, but was reduced to one precinct and then to one-half of a precinct in order to have enough time to demonstrate the full process. There have been no substantive responses from the SoS on the manual process demonstration.

On Tuesday, the Board of Supervisors passed two ordinances to fund the contract amount of \$1.6 million for the ES&S contract modification and \$526,000 for voter education and outreach. The Board's Finance Committee placed \$250,000 on reserve, for which the DoE must submit a plan for outreach before the funds are released.

Commissioner Townsend asked the Director what was his estimate of how long the hand count would take, if it is needed, for the November election. Mr. Arntz replied that it would take all of November to capture the information from the ballots, to enter that information into the data base and then to run the algorithm.

Budget – Thursday, June 12, 2003 was the first time the DoE put forth its budget to the Finance Committee of the Board of Supervisors. Next the Budget Analyst examines it and makes cuts. The next time the Director will go before the Committee will be June 19, 2003, and by then the Budget Analyst's initial comments will have been made. The Mayor's Budget office returned \$500,000 for Paid Ballot Arguments to the DoE's budget.

Poll Locating - All site reviews and reprecincting lines have been completed. Information regarding the November and March elections will be sent to the sites. The Director plans to include information for a runoff in December just in case the certification from the State has not happened in time for the November election.

Commissioner Schulz asked about the potential impact of the recall election on the Department. Mr. Arntz replied that the recall election should happen at the same time as the Mayoral election and should have no significant impact on poll locations and workers. The recall, however, will be similar to the ranked choice selection because voters will be asked to choose a governor if they vote to remove the current governor. That ballot may complicate things because if the voter does not indicate his or her decision whether the governor should be recalled and then votes on a gubernatorial candidate, that ballot cannot be counted. This will require additional outreach.

Outreach - The Department is currently translating the "Ranked Choice Voting" brochure it has created into Spanish and Chinese to distribute to a wider audience. Once more staff is in place, translations into other languages will be done. Staff members are going to Naturalization and Immigration Services events to address new citizens. The DoE also sends staff to non-English radio stations to speak on-air about voting.

Training - The person in charge of training is also the elections day coordinator and is currently working on organizing City Hall space usage, badges, and parking for November and March. In addition, he is working on obtaining security for these events.

Ballot Distribution - Last week the staff was involved in getting everything in place for the SoS visit to observe the hand count demonstration. In addition, they are working on the ballot for the November election and preparing for the special Union Square Business District election and that ballot.

Voter Services - This group has begun review of signatures on the recall petitions. In addition, they continue to process registrations, changes, cancellations and purges to clean up voter files, and they are working on election time line calendars.

Election Support Services - Today this division sent out the first letters to potential poll workers and will begin recruitment next week.

Technology - This division spent most of last week preparing for the SoS visit. They are putting up a Ranked Choice Voting website, and the new reprecincting

information. The DoE, along with DTIS (The Department of Telecommunication and Information Services) has the most accurate and up to date map of the City ever in existence. There is no better source of San Francisco geographical information.

Campaign Services - Rachel Gosiengfiao reported that a Brown Bag Luncheon for the candidates and campaigns was held last week and another is due next week. The division is issuing and receiving "signatures in-lieu" forms. A new initiative, the minimum wage ordinance, has just come into the DoE and will be in circulation soon. The deadline for turn in of all public initiatives is July 7, 2003. There are six initiatives and one charter amendment so far.

President Rosenthal reminded the Director that Commissioners Kenealey and Stowers had requested at the last meeting that he provide some type of timetable or schedule of events for RCV. The Director replied that his marker is still July 1 for completion of certification. He reminded the Commission that the SoS must give a 30 day notice if it certifies any system before the VSP (Voting Systems and Procedures panel) meets. The further into July or even into August this goes makes it more difficult for the DoE to get the other necessary steps completed.

Commissioner Kenealey said this explanation from the Director was satisfactory and that he didn't need further at this time.

Commissioner Schulz asked if the Director's plan for the new Fiscal Year to allow his staff to work 40 hours per week instead of cutting back on their hours to meet the Mayor's budget request for the last fiscal year, was still valid. Director Arntz replied that although the budget will be tight, he plans for staff to work full weeks.

Commissioner Townsend asked if the threat that the DoE's long term temporary workers might be "bumped" by other City employees from other departments was still an issue. Director Arntz replied that the true duties and responsibilities are being explained in the job descriptions being put forth in permanent requisitions so that workers with no elections experience will not automatically take these jobs. This will protect the knowledge and expertise the DoE hopes to maintain.

Public Comment - *Steven Hill* asked if anyone had called the SoS's office to see if the 30-day timeline has begun? *Angela Ramsey* thanked the Commission for scheduling the hearing on RCV and asked the Commission to make sure that there will be system integrity for handling the election data. *Tony Brasunas* said that the most important thing was to show voters how to vote but not to bar them from also knowing how that vote is counted.

9. New Business -

(a) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on June 4, 2003. Commissioner Shadoian MOVED for approval. Commissioner Schulz's obligation to not vote because he was absent for the meeting for which these minutes report was MOVED, SECONDED, and CARRIED. The remaining members of the Commission voted and the MOTION to approve the minutes CARRIED with six votes.

(b) Discussion and possible action to approve an amendment to the Commission Bylaws, Article VII, to create a single standing committee for the Commission. Commissioner Shadoian MOVED to have this item tabled until the next meeting due to the late hour. TABLED until July 2, 2003 meeting.

(c) Discussion and possible action to approve an amendment to the Commission Bylaws, Article XI, deleting the word "annals" and inserting instead "annual report," and providing that the President prepares the annual report, with the approval of the Commission. Commissioner Shadoian MOVED to have this item tabled until the next meeting due to the late hour. TABLED until July 2, 2003 meeting.

10. Discussion regarding items for future agendas.

Commissioner Shadoian suggested that within 60 days of an election, the Director prepare a written report that includes suggestions for improving the process and the success and the problems encountered be on a future agenda. Commissioner Townsend suggested that outreach to high school juniors and seniors to educate them about voting and encourage them to become voters be on a future agenda. Commissioner Schulz suggested a discussion about the role of the Commission in outreach on subjects such as RCV be on a future agenda.

11. Public comment

Steve Hill urged the Commission and Director to consider doing the potential hand count for the November election on the eagle machines.

Meeting ADJOURNED at 10:40 pm.

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ELECTIONS COMMISSION
City and County of San Francisco



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JUN 26 2003

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AGENDA
ELECTIONS COMMISSION
Wednesday July 2, 2003
7:00 P. M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each agenda item before consideration of that item.
4. **President's Report**
 - Update on Ranked Choice Voting
5. **Budget & Policy Committee Report**
 - Update on Commission Annual Report
6. **Presentation by Rich Matthews of Civil Grand Jury of City & County of San Francisco**
 - Civil Grand Jury Report on the Department of Elections
7. **Director's Report**

• Ranked Choice Voting	• Voter Services Division
• Budget Update	• Campaign Services Division
• Poll Locating	• Election Support Services Division
• Outreach	• Technology Division
• Training	• Personnel
• Ballot Distribution	
8. **New Business**
 - (a) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on June 18, 2003.
 - (b) Discussion and possible action to approve Department's plan for public education and outreach concerning ranked choice voting and awarding grants to nonprofits and other groups to assist with public education and outreach.
9. **Old Business**
 - (a) Discussion and possible action to approve an amendment to the Commission Bylaws, Article VII, to create a single standing committee for the Commission.

- (b) Discussion and possible action to approve an amendment to the Commission Bylaws, Article XI, deleting the word "annals" and inserting instead "annual report," and providing that the President prepares the annual report, with the approval of the Commission.
- 10. Discussion regarding items for future agendas.
- 11. **Public comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

Disability Access

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Posted: June 6, 2003, and June 26

NOTICE TO AMEND
THE ELECTIONS COMMISSION BYLAWS

At its regular meeting at 7pm on July 2, 2003, in City Hall Room 400, the Elections Commission will consider amending the Commission's Bylaws as follows:

Article XI ("Commission Annals") is hereby amended as follows:

1. The word "annals" is hereby deleted wherever it is used in Article XI and replaced with the term "Annual Report."
2. Section 1A of Article XI is hereby amended to read as follows:
"Each year, the Commission President, in conformance with Charter Section 4.103, shall prepare the Annual Report for Commission approval and after such approval post such report according to the requirements of the Charter."
3. Section 1C of Article XI is hereby amended to add the following:
"as well as to conform to the San Francisco Charter provisions that apply to Annual Reports."

This notice is given pursuant to Art. XIII, San Francisco Elections Commission Bylaws.

Posted: June 6, 2003 and July 2, 2003

NOTICE TO AMEND
THE ELECTIONS COMMISSION BY LAWS

At its regular meeting at 7pm on July 2, 2003, in City Hall Room 400, the Elections Commission will consider amending the Commission's Bylaws as follows:

Article VII ("Committees"), Section 1 is hereby amended to read as follows:

Section 1. Standing Committee. The Commission shall have one standing committee, the General Policy and Budget Committee. Such committee shall be responsible for personnel, budget, and investigating functions when called upon to act by the President. The committee shall establish procedures necessary and proper to fulfill its committee function.

This notice is given pursuant to Art. XIII, San Francisco Elections Commission Bylaws.



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Elections Commission >> Meeting Information >> Election Commission (Full Commission)



The Elections Commission

July 2, 2003



City and County of San Francisco

Elections Commission

Approved: July 16, 2003

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Minutes of the Meeting held

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July 2, 2003

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1. President Rosenthal called the meeting to order at 7:10 pm.

2. **COMMISSION MEMBERS PRESENT:** Commissioner Robert Kenealey, Commissioner Richard Shadoian, President Alix Rosenthal, Commissioner Thomas Schultz, and Commissioner Arnold Townsend. **ABSENT:** Vice President Michael Mendelson and Commissioner Brenda Stowers.

3. **PRESIDENT'S REPORT::**

President Rosenthal acknowledged the excellent public participation during the hearing on voter education and outreach on ranked choice voting at the last Commission meeting. She was glad to see that so many people came the meeting to offer suggestions and support for the Department's efforts, and she was also happy to see so many people at this meeting.

The President recognized the ongoing efforts by the Department staff. She stated that no one is working harder to make ranked choice voting a reality, and they should be applauded for their hard work.

President Rosenthal reported that the Secretary of State's Office ("SoS") has

scheduled a meeting of its Voting Systems and Procedure Panel for July 28, 2003 at 1:00 pm., at 1500 Eleventh Street, First Floor Auditorium, in Sacramento. The meeting was originally scheduled for July 23rd. The Panel will be considering the DoE's manual count procedures, and has the ability to certify at this meeting.

On July 1, 2003, Elections Systems & Software (ES&S) submitted its full application of a ranked choice system to the SoS. During his presentation to the Elections Commission on June 18, 2003, the ES&S representative, Joseph Taggard, told the Commission that the full application had already been submitted. However, it has been learned that the software was still being reviewed by the federal independent testing authority which has now approved and submitted the software. The Commission has been told that the application is now completely submitted.

Commissioner Townsend stated that he was disturbed that the ES&S presentation given to the Commission two weeks ago was inaccurate. This, he said, is unacceptable from a vendor and asked the Director to invite the ES&S representative to a future meeting to discuss his June 18th presentation.

President Rosenthal reminded everyone that the DoE had originally given ES&S a deadline of July 1st to deliver a fully tested and certified system, but the deadline was extended to August 1st in order to give ES&S as much time as possible without jeopardizing the DoE's ability to complete necessary testing, training and outreach. President Rosenthal noted that planning for an election is a complicated, time-consuming process, and this Department has in effect been planning for four elections: (1) a ranked choice voting system using the eagle machines with ES&S software, (2) a ranked choice voting system using the Department's partial hand count, (3) a possible run off election in the case that it is not possible to implement ranked choice voting, and (4) the presidential primary election in March.

Rosenthal said that despite the Department's best efforts, some of the critical steps to implementing RCV remain beyond the City's control. Members of the public, and members of the Board of Supervisors have begun to ask what will happen if, for example, the Secretary of State does not certify either the ES&S system or the Department's hand count plan.

The President stated that the reason the Elections Commission was created was to protect the franchise, to regain San Francisco's confidence in the administration of its elections, and to make sure the elections are conducted in a way that is fair, efficient and cost-effective. She noted that it is also the Commission's responsibility to ensure that when the voters change the way that elections operate, that the will of the voters is implemented in a fair and efficient way. The Commission is therefore obligated to insure that the Department does everything in its power to implement ranked choice voting.

President Rosenthal said that her primary goal, when she was appointed to the Commission, was to remove the Elections Department from politics, however, she was extremely disturbed to see politics now creeping into the process. Her hope is that political influences can be set aside, in order to have a rational discussion about what it will take to implement RCV, and protect the will of the voters, while protecting the integrity of the November election.

President Rosenthal stated that the upcoming election is very important because it

includes a Mayor's race, a DA's race, and a sheriff's race, and the Department may not be able to use sheriff's deputies for ballot security.

The President formally asked the following questions of the City Attorney's office and requested answers before the next Elections Commission Meeting:

- (1) May the City use a ranked-choice voting system if that system has not been certified for use by the California Secretary of State?
- (2) If the City does not have a certified and tested ranked-choice voting system in time for use in the November 2003 election, may the City use a ranked-choice ballot and hand-count those ballots?
- (3) If the City does not have a certified and tested ranked-choice voting system in time for use in the November 2003 election, may the City conduct the election without using ranked-choice voting?
- (4) May the City undertake contingency plans now for the November 2003 election that do not involve ranked-choice voting?
- (5) If the City is unable to use ranked-choice voting in November 2003, and if no candidate receives a majority of the votes cast, would the candidate who receives the highest number of votes be elected, or would the two candidates receiving the most votes qualify for a separate run-off election to be held at a later date?

Commissioner Schulz said that he wanted to affirm that the Department was doing an excellent job of informing the public about ranked choice voting because he had invited the DoE to make a presentation before a group of citizen's who had serious questions about RCV and the information provided was clear and understandable.

Public Comment: *Michael Harris* asked if the questions President Rosenthal mentioned in her report could be made available to the public. *Charles Kalish* thanked the President for her questions.

4. COMMITTEE REPORTS:

Budget Policy Committee - Commissioner Stowers, chair of this committee, was not able to attend tonight's meeting.

5. Presentation by Rich Matthews of the Civil Grand Jury of the City and County of San Francisco.

Mr. Matthews reported that the Civil Grand Jury's appointment twelve months ago expired last week. He gave a brief background explaining that each county has two civil grand juries, one for criminal indictments and one for civil investigations. The Civil Grand Jury is charged with oversight for all local government and has unlimited investigative authority to examine any aspect of City government, has authority to look at any documents, see any process, talk to anyone, ask any questions and has legal authority to require response to these requests.

The 19 members of the group are appointed each July 1st by the presiding

judge of the Superior Court for a one year term, and each member can propose topics for investigation. The goal of each member is to "add value to the City." A topic must be approved for investigation by twelve of the members. This year there were nine investigations and nine reports were made, all of which are available online. Every City agency gets reviewed every five or six years. The three elements of these reports are the facts, findings based upon the facts, and recommendations. The reports are recommendations to improve efficiency, save money and improve the agency.

Once a report is issued, the investigated agency has 60 days to respond to the recommendations (unless the report is about the Board of Supervisors, which is allowed 90 days to respond). The responses must address each finding or recommendation and are made public. The agency responding must agree or disagree with the Civil Grand Jury Report and give an explanation of its response. Where there are recommendations in the report, the agency must answer in one of three ways: "yes, we agree and we will implement", "yes, we agree with your recommendation but we can't implement and here is why", and "no, we don't agree with your recommendation and here is why."

Last year, the Civil Grand Jury undertook the largest observation of the Elections Department it has ever performed. One hundred precincts (16%) were observed on election day and one hundred and twenty-six (20%) were observed in the December runoff. All supervisory districts were represented in the November coverage except the 9th district. The Grand Jury found that overall, the DoE did a competent and effective job in these two elections. Mr. Matthews stated that for a Civil Grand Jury Report, this was raving praise. The Grand Jury's recommendation included centralizing the department's operations in one location instead of the six used currently, improving poll worker training, insuring prompt delivery of additional ballots to any location awaiting ballots, increasing use of permanent employees and decreasing use of temporary workers, increasing the secrecy of absentee ballots.

Commissioner Townsend asked if the Civil Grand Jury ever looks for employment discrimination. Mr. Matthews said that the Jury is always on the look out for any possibility of discrimination.

6. DIRECTOR'S REPORT:

Ranked Choice Voting- Public Comments to the SoS's Voting Systems and Procedures Panel must be submitted by 5:00 pm on July 11, 2003 for the panel's meeting on July 28, 2003.

Commissioner Schulz asked when the Commission would be able to see what has been submitted by ES&S. Mr. Arntz replied that he expects to get a report on or about July 18.

The Director signed the contract with ES&S on July 1, 2003 and the City Attorney has approved it as to form, however, the contract is not valid because ES&S has not paid its business taxes. The Office of Contract Administration is the last agency to sign and it will not do so until the taxes are paid and there is proof of insurance.

Commissioner Townsend asked the Director what he knew about the completeness of the ES&S application submitted to the SoS.

Mr. Arntz replied that he reported at the Commission's last meeting that the SoS office told him that the application was incomplete. What was submitted on June 2nd was the procedures for ES&S's system - not the software, not the hardware for the system. When he contacted the SoS's office on June 30th to check, the Director was advised that the application was still not complete.

Mr. Arntz stated that the VSP (Voting Systems Panel) must provide a 30-day notice before any meeting that it holds. Since the whole package has just arrived at the SoS, it is just now being reviewed - this is because the SoS will not review a partial application, it must have the entire package before review begins.

Commissioner Shadoian asked if the Director knew when the testing would be done.

Mr. Arntz answered that he didn't know. The State's consultant has just finished its technical review of the DoE's manual process.

President Rosenthal stated that it was her understanding that the SoS knows the urgency of San Francisco's situation and that the testing will happen quickly.

Commissioner Kenealey asked if there was a mechanical unit that must be approved by the State.

Director Arntz answered that the eagle system must be approved and was submitted to the SoS on June 26. Test ballots will need to be run through that part of the system to assure that it can capture the information correctly for ranked choice voting.

Director Arntz met with Board of Supervisors President Gonzales and Mr. Hill from the Center for Voting and Democracy to discuss the DoE reviewing a purely manual system for RCV. Mr. Arntz sent an email requesting information from a London company called Electoral Reform Services which has information on hand tallying without mechanical systems or computers. The company was suggested by Mr. Hill. This would be a third plan for the DoE to use.

Budget Update - the DoE's budget has been reviewed twice by the Finance Committee. Currently, the budget for the department stands at \$14.8M for the 2003-2004 Fiscal Year. \$1.8M is to be used for RCV. The department will increase its efficiency and closely monitor temporary worker's hours in its effort to stay within budget.

Two vendors being considered for printing the VIPs are being examined. Staff members have visited their plants to determine if they can handle the project.

Poll Locating - reprecincting is being reviewed. Vendors are being considered for the printing of the new maps with the latest precinct information. The procedure manual has been completed.

Training - the staff person responsible for training is also responsible for various election day activities such as organizing street closures and parking - the Department uses 129 vehicles on election day.

Security - the alternative draft plan is 75% completed and will be given to the Commission in a week.

Ballot Distribution - the manager of this division attended the Summer Institute,

which is held at Stanford University and attended by elections officials throughout the state. The three-day topic this year was Absentee Voting.

A draft of the ballot for the 92 business owners participating in the Union Square Business District Election has been completed. There will be a board hearing after this election and the participants can decide to change their votes at the hearing. The amount of sidewalk space a business owner has determines the weight of his/her vote. The DoE will be responsible for this calculation and tracking the results.

The division is working to renovate the space at 240 Van Ness Street to receive and hold ballots. The cost is estimated to be over \$200,000.

Voter Services - two staff attended the Stanford Summer Institute. Attendees get intensive training in elections laws and procedures on absentee voting.

The number of candidates for the November election has dropped off, several thousand in lieu signatures on petitions are being examined. Each voter who signs and is registered in the district where a candidate is running reduces the candidate's filing fee by 50 cents.

The Brown Bag Luncheons are continuing. These informational meetings explain the laws, procedures, absentee ballots, and registration campaigns to the candidates and their campaign workers.

The Help America Vote Act will change requirements for voter identification. The SoS is reviewing the new act.

Recall Election - San Francisco has so far received 1,193 signatures. There has been minimal activity in the DoE regarding the campaign.

Commissioner Kenealey asked the Director what is the status of the DoE's real estate search.

Mr. Arntz replied that he felt the Real Estate Department did not do an in depth review of the department and its peculiar situation. There were places offered, but the amount of square footage was the same as now being used by the DoE at all its separate locations. The DoE needs to expand during election time and this was not taken into consideration by Real Estate. The department was heavily involved in working on its budget at the time Real Estate was doing its search and this timing was a problem. What is needed is more space, near good transit lines, and within a budget that will be acceptable.

Commissioner Townsend asked the Director to explain the new voter identification plan.

The Director explained that it was a federal act for new voters. The incentive to the states will be in the form of federal monies.

Commissioner Shadoian asked how many precincts and how many registered voters are now in the City.

Mr. Arntz replied that there are 550 precincts, including 18 mail ballots precincts, with 439,000 voters.

Election Support Services - this division recruits poll workers and has sent 5000

letters to previous workers. The letters asked if the persons still lived at the addresses on file and asked if the emergency and contact information was still correct. The information is now coming into the DoE and is being recorded.

Technology - the division has completed its response to the second round of questions from the SoS regarding manual tally procedures and software for tabulation of the RCV information. Preparing the system for uploading the new re-precincting information continues to take much of the division's time. The division is reviewing the ES&S application to the SoS to make sure that the system that ES&S describes is the one we need and expect to ultimately pay for.

Public Comment - *Mark Tognotti* asked the President if he was correct that she had stated that her primary goals were to insure confidence in the results of the upcoming election, and the integrity of the election itself, with or without the implementation of RCV. *Steven Hill* said that the SoS now has a working model of the equipment to count RCV and that the federal testing authority has signed off. *Charles Kalish* addressed whether ES&S has been truthful with the department. *Karen Isler* encouraged the Commission to support RCV. *Steven Willis* said that the Director should be in contact with ES&S everyday.

President Rosenthal stated that although the Commission does not usually speak regarding Public Comment, she wanted to assure the audience that Director Arntz is in daily contact with all the entities involved with RCV.

7. New Business

(a) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on June 18, 2003. This item was TABLED until the next meeting.

(b) Discussion and possible action to approve the Department's plan for public education and outreach concerning ranked choice voting and awarding grants to nonprofits and other groups to assist with public education and outreach.

Rachael Gosiengfiao, manager of Campaign Services, reported that information provided to the Commission and the audience (as handouts) was an overview. The division had decided to award \$10,000 grants to one primary organization in each of the eleven supervisory districts. The primary organizations would be responsible for reaching out to all voters in the district including networking with neighborhood groups and schools to promote and educate about RCV.

Grants will also be awarded to secondary organizations who will partner with the primaries to ensure that special needs in each community are met. Special attention areas identified by the DoE are: Low voter turnout areas, seniors and disabled persons, and limited English speakers (Chinese, Spanish, Russian, Tagalog, Vietnamese). Once the grant applications have been completed, they will be sent to these organizations and community groups. The DoE is in the process of determining how to fairly distribute the grants and how much the grants will be. It is hoped that the amounts will be decided within the next week.

The qualification criteria are: must be a nonprofit-nonpartisan organization, must have 501 (c) 3 status, must demonstrate at least three years experience in community organizing or development, must show proven track record of fostering relationships with other community organizations and constituencies in the community, and must commit to recruit a minimum of 50 Chinese, Spanish and/or Russian bi-lingual poll workers for the upcoming November election.

Commissioner Kenealey MOVED to accept the plan as stated in the overview.

Commissioner Schulz asked whether this was the complete budget for education and outreach.

Ms. Gosiengfiao replied that this was only for the community grants. There are different monies for poll worker training, website, flyers, posters, etc. She said that this money was solely for RCV.

Commissioner Schulz asked if, in Ms. Gosiengfiao's opinion, one criterion for dispensing grants should be that the agency be publicly supportive of RCV.

President Rosenthal replied that she could not envision a scenario in which the DoE would ask the people who would be implementing the training program for RCV to take a loyalty oath. Further, she said that groups that may have opposed RCV may have more at stake in making sure voters are educated about it.

Commissioner Townsend stated that he had a problem with anyone who wants to participate in City government having to pass a litmus test. He said that the department will look at proposals and what people are committed to do and will make a decision whether those people can do what they say they will.

Public Comment: The following members of the public spoke about this item: Alexi Folger, Lucy Colvin, Sarah Diefendorf, Steve Willis, Brenda Henry, Sally Fune, Eileen Hansen, Steven Hill, and Jonnie Levy.

Commissioner Shadoian asked if there would be a chance for flexibility in the secondary organizations to target some of the areas mentioned in the public comment such as some areas of the City needing more than others.

Ms. Gosiengfiao stated that there was at least \$115,000 for the secondary groups and it would be fairly distributed to areas with the most need. This distribution would not be based on supervisory district.

The MOTION to approve FAILED. Vote was three to two.

Commissioner Townsend MOVED that the DoE retool the outreach to include ethnic media, heavier concentration in precincts of low turnout, to give specific attention to 18 to 24 year old voters - recognizing that they all do live in all districts but giving special attention to educating them about RCV.

Director Arntz asked if the Commission could approve the outreach plan with the addition of the items mentioned so that the department would not have to wait two weeks to begin its work. President Rosenthal agreed.

The Outreach Plan is to be amended as follows: Under the first section regarding grant awards, add low voter turn out - with specific attention to African-American communities. Also add voters between 18 and 24 years of age and ethnic media. At the end, under qualification criteria #4, restate to say "organizations must commit to recruit a minimum of fifty poll workers for the upcoming November election particularly Chinese, Russian, Spanish and Tagalog bilingual poll workers where applicable. The Department of Elections will provide stipends for the poll workers. SECONDED.

Public Comment: *Jonnie Levy* suggested Vietnamese be added and that the DoE get

Community input in the decision of which groups get the grants. *Steven Hill* said an amount should be written in for the secondary groups.

QUESTION was called and the VOTE to passed the Outreach Plan with the amendment and adding "Vietnamese" to the languages, CARRIED unanimously.

8. Old Business

(a) Discussion and possible action to approve an amendment to the Commission Bylaws, Article VII, to create a single standing committee for the Commission. TABLED until the next meeting.

(b) Discussion and possible action to approve an amendment to the Commission Bylaws, Article XI, deleting the word "annals" and inserting instead "annual report," and providing that the President prepares the annual report, with the approval of the Commission. TABLED until the next meeting.

9. Public Comment: *Lucy Colvin* said that it was not legal for the department to prepare for a December runoff.

ADJOURNMENT at 9:40 pm.

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ELECTIONS COMMISSION
City and County of San Francisco



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AGENDA
ELECTIONS COMMISSION
Wednesday July 16, 2003
7:00 P. M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each agenda item before consideration of that item.
4. **President's Report**
 - Update on Ranked Choice Voting
5. **Budget & Policy Committee Report**
 - Update on Commission Annual Report
6. **Presentation by Representative from ES&S, Joe Taggard**
 - Update on ES&S's application to the California Secretary of State for certification of proposed modifications to the City's optical scan voting equipment to implement ranked choice voting.
7. **Director's Report**

• Ranked Choice Voting	• Voter Services Division
• Budget Update	• Campaign Services Division
• Poll Locating	• Election Support Services Division
• Outreach	• Technology Division
• Training	• Personnel
• Ballot Distribution	
8. **New Business**
 - (a) Discussion and possible action to approve Elections Commission Minutes for Commission Meetings held on July 2, 2003.
 - (b) Ranked Choice Voting
 - (i) Discussion and possible action to determine the deadline by which certification of a ranked choice voting system must take place in order for the Department of Elections to conduct the necessary planning, training and outreach to conduct a fair and orderly election on November 4, 2003 using the new voting system.
 - (ii) Discussion and possible action to determine whether, if no ranked choice voting system is certified by the deadline above, the Department of Elections may use a system not certified by the Secretary of State.

- (iii) Discussion and possible action to determine whether, if no ranked choice voting system is certified by the deadline above, the Department of Elections may use a pure hand count system.
- (iv) Discussion and possible action to authorize the Director to prepare for a conventional election for November 2003, and a possible runoff election in December in the event that no candidate receives a majority of votes.
- (c) Discussion and possible action to modify the plan for public education and outreach concerning ranked choice voting and awarding grants to nonprofit organizations to assist with public education and outreach.

9. Old Business

- (a) Discussion and possible action to approve Elections Commission Minutes for Commission Meeting held on June 18, 2003.
 - (b) Discussion and possible action to approve the Annual Report.
 - (c) Discussion and possible action to approve an amendment to the Commission Bylaws, Article VII, to create a single standing committee for the Commission.
 - (d) Discussion and possible action to approve an amendment to the Commission Bylaws, Article XI, deleting the word "annals" and inserting instead "annual report," and providing that the President prepares the annual report, with the approval of the Commission.
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The Elections Commission

July 16, 2003

City and County of San Francisco

Elections Commission

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Approved: 8/06/03

APR 12 2004

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Minutes of the Meeting held

July 16, 2003

1. **Call to Order.** President Rosenthal called the meeting to order at 7:08 pm.

2. **COMMISSION MEMBERS PRESENT:** Commissioners Michael Mendelson, Alix Rosenthal, Thomas Schulz, Robert Kenealey, Brenda Stowers, Richard Shadoian and Arnold Townsend. **ABSENT:** none.

3. **PUBLIC COMMENT.** *Linda Jang* encouraged the Commission to implement Ranked Choice Voting (RCV), *Dave Castleman* said that if there are problems with RCV, the City should go back to the old voting system, *Joe O'Donoghue* said the computerized voting system needs to run properly, *Steven Hill* said that rankings have worked in England, *Charles Kalish* said that far more voters are disenfranchised in the run-off system because they do not vote, *Robert Boileau* spoke about the questionnaire for outreach and asked that grant applicants with 501(c)5 status be included, *Lucy Colvin* said that the Commission should continue to support RCV, *James Bryant* spoke about the history of low voter turn out, *Jonie Levy* said that more outreach is needed, *Fred Ridel* spoke in support of implementing RCV, *Dennis Mosgofian* said that the problem with implementing RCV was political not technical, *Amandeep Jawa* urged the Commission to continue working to make RCV happen, *Dwayne Robinson* spoke in support of year round outreach - not just at election time.

4. **PRESIDENT'S REPORT.** President Rosenthal welcomed the audience and advised that items 8 (b) (i - iv) on the agenda are TABLED, however there would be public comment on items 8 (b) (i - iv).

The President stated that the Commission and the Department are fully committed to implementing ranked choice voting. Until and unless it is absolutely impossible to do so, she said, the Commission is proceeding under the assumption that ranked choice voting will be implemented.

President Rosenthal noted that in August, the Department has to start printing absentee ballots, educating voters and training poll workers. Considering the timing, it would be irresponsible to not plan for every possible scenario. Redundancy is inherent to how the Department plans for any election.

She told the public that for those who had not attended previous meetings, the Department has been exploring several possibilities for implementing ranked choice voting: (1) an optical scan system, which ES&S has presented to the Secretary of State's office for certification, (2) a partial hand count system, which is also before the SoS's office for certification, and (3) the possibility of conducting a ranked choice election without certification, possibly a fully manual count.

She reported that since the last meeting, the Commission learned that the Secretary of State still considers the ES&S application incomplete, because there has been no independent federal testing of the system hardware. ES&S's contract with the City requires their system to be tested and certified by August 1. President Rosenthal said the Commission is waiting to see what happens on this front, and she invited Joe Taggard of ES&S to appear at this meeting to give the Commission an update.

President Rosenthal announced that the City's application for approval of the proposed partial hand-count will be considered by the Secretary of State's Voting Systems and Procedures Panel on July 28. The Commission may hold a special meeting to immediately follow the VSP decision depending on the outcome.

As for the possibility of holding an election with a system not certified by the Secretary of State, President Rosenthal reminded the public that at the last meeting she asked the City Attorney to answer some questions about this, and other related issues. The Commission has received formal advice on these issues. The advice is public, it was available at the meeting, and it may be found on the City Attorney's website.

Counsel has advised:

1. San Francisco cannot use a voting system unless the system is approved :
2. If there is no approved ranked choice system available in time for use :
3. If there is no approved system available in time for use in the upcoming

President Rosenthal stated that an election MUST take place. And if it is impos:

4. The City may develop contingency plans now to deal with this possibility:

5. If instant runoff voting cannot be implemented in November 2003, the Ci

President Rosenthal pointed to the four questions on the agenda under "New Business," stating that these four questions would be tabled for future discussion, but that Commissioners should begin to consider them. She stated that it was not timely to answer these questions tonight, because the Department is still working hard to implement ranked choice voting. However, it was time, she said, to begin a public dialogue about them, and she said she hoped that the Commission never has to reach these questions.

The questions on the agenda were:

1. Determining the deadline by which certification of a ranked choice voting system must take place in order for the Department of Elections to conduct the necessary planning, training and outreach to conduct a fair and orderly election on November 4, 2003 using the new voting system.

2. Determining whether, if no ranked choice voting system is certified by the deadline above, the Department of Elections may use a system not certified by the Secretary of State.

Rosenthal noted that the City Attorney's office had addressed this question in its opinion, stating that the Department may not use a system not certified by the Secretary of State.

3. Discussion and possible action to determine whether, if no ranked choice voting system is certified by the deadline above, the Department of Elections may use a pure hand count system.

Rosenthal noted that the City Attorney's office had also addressed this question in its opinion.

4. Whether to authorize the Director to prepare for a conventional election for November 2003, and a possible runoff election in December in the event that no candidate receives a majority of votes.

Rosenthal stated that it is not necessary for the Commission to authorize the Director to make contingency plans. But the reason she stated for putting this on the agenda was so that this discussion could take place in public, and allow interested people the opportunity to comment on it.

Rosenthal invited public comments as to every agenda item, whether or not it is an action item. In light of the size of the crowd, she limited comments to two minutes on any item.

PUBLIC COMMENT. *Steve Solnit*, urged the Commission to carryout RCV, *Sonia Melara* encouraged the Commission to not support RCV because it may disenfranchise many voters, *Don Beckler* spoke on the redundant systems for RCV,

Alexi Folger and *Laura Lieberman* suggested that the Commission start educating voters right away, *Bob Boileau* said that the Secretary of State's hearing in Sacramento should be held here in San Francisco, *Myrna Lim* said that she works to register Filipino voters and at the present time, those voters don't have information about RCV, *Lucia Paulazzo* said that a silent majority of voters don't understand RCV, *Mary Jung* said that she's worked with various San Francisco Communities during elections and that she has attended workshops held by the Center for Voting and Democracy on RCV and is still confused about voting and asked the Commission not to rush the process and make sure low income and minority voters understand the process, *Howard Wallace* said it appears that the Commission hasn't sought information about RCV from outside sources, *Susan Hall* said the Commission should do everything possible to implement RCV, *James Bryant* said that the originators of RCV conducted two demonstrations in his community which left voters more confused and he reminded the Commission that its important to make sure that voters understand the process, *Denis Mosgofian* said that the speakers who report that voters will be disenfranchised by RCV are distorting the facts and that change is difficult for everybody, *Steven Hill* commented on the City Attorney's opinion and said that his organization's attorneys have prepared a response, *Joe O'Donoghue* said that the concept of RCV was excellent but the implementation could be flawed, he fears the City will look foolish,

and complimented the Commission for allowing so much public comment on the issues, *Tom Lacey* reminded the Commission that the ability for the City voting machines to handle RCV was part of Proposition H back in 1996, *Bill Henson* said that it was too early to call the system flawed since the outreach hasn't even begun, *Linda Richardson* said that the system needs to be certified and that timing is not on the side on RCV, *Paul Platt* said that it has been 1 ½ years since RCV was passed and he doesn't understand why it has not happened, *Dave Heller* spoke about confusion in voting and compared it to gambling in a bar, *Dave Spirow* said that RCV has to go forward, *Tony Brasunas* that few speakers have spoken against RCV and that voter education needs to go forward immediately and confusion will end, and *Michael Harris* disagreed with the City Attorney's analysis and conclusion.

Commissioner Schulz asked Deputy City Attorney *Julia Moll* if she received a response to the City Attorney's opinion from the attorneys for the Center for Voting Democracy. Ms. Moll responded that she had received an email from someone with the Center for Voting Democracy asking for additional information about one of the footnotes. *Commissioner Schulz* asked Ms. Moll if she receives any messages about

the opinion she copy the Commission. Ms. Moll replied that she would provide the Commission with any written communications received about the opinion and any response the City Attorney may make.

Commissioner Shadoian asked if the SoS has the authority to certify or reject the hand counting of paper ballots in the municipal elections of San Francisco and would the City Attorney's office prepare a response to this question in the format that was used for the previous four questions.

5. Budget and Policy Committee Report - this item was TABLED by President Rosenthal.

6. Presentation by Representative from ES&S - Joseph Taggard, Regional Sales Vice President for Election Systems & Software (ES&S), a four year contractor with the DoE, reported that the testing of the equipment needed to have RCV in November has two phases: Hardware and software at the Federal level and the same to be done at the State level. Mr. Taggard said that he thought he had met most of the requirement for certification the first of July because the federal testing agency's positive test results were sent to the SoS, however, two new experts - not the same consultants who had examined the materials previously - decided that ES&S needed a hardware review of the specific modification dealing with the capture of RCV ballot images. ES&S immediately contacted the only independent company in the country to do the testing. They will begin the week-long testing this Friday and give the results to the SoS. Mr. Taggard said that he feels the state testing will then begin in early August.

Commissioner Mendelson asked if this new hardware testing requirement was unanticipated and how long had ES&S been developing the process for RCV. Mr. Taggard replied that this was a surprise and that his company had been working on getting the equipment ready since December of last year.

Commissioner Stowers asked if the California Elections Code stated hardware and software requirements.

Julia Moll answered that the state code requires that the SoS test and certify all voting systems before they are used. Mr. Taggard added that his company made its notification of change to an existing certified system - the one the City now uses - following that procedure.

Mr. Taggard explained that what ES&S is doing is modifying the eagle machines to increase their memory. The increased memory will allow them to capture ranked

choice voting ballot images.

Commissioner Schultz asked if the ballot design would accommodate the change. Mr. Taggard replied that a new design could be accommodated by the eagle machines right now, in their present mode, without any changes, and it wouldn't capture the image but the machines would show first, second and third choices for every office printed out.

Commissioner Shadoian asked if Mr. Taggard was certain that his system is going to work and what was the new time line for everything being ready. Mr. Taggard replied that he was certain his system would work and that the first of September was the time line.

Mr. Taggard offered to provide the DoE and Commission with a weekly status report on the RCV project.

President Rosenthal announced that the Commission would take a BREAK at 9:50 pm.

Meeting reconvened at 10:00 pm.

7. Director's Report

President Rosenthal stated that due to the late hour, she had asked the Director to abbreviate his report. She reminded the public and the Commission that the Department is working on a lot of matters leading up to the November election, that ranked choice voting was not the only thing that Department was working on. However, she asked the Director to limit his comments to ranked choice voting, since this was the most pressing matter.

John Arntz reported that the contract with ES&S got its final signature today from the Office of Contract Administration. The Voting Systems and Procedures (VSP) panel will meet on July 28 to discuss and review the manual system proposed by the DoE. The SoS's draft review of the system is expected next week. A London voting system group has sent a letter to the department offering to perform the City's hand count for this November's election for \$30,000 with no further details or a plan. He has requested a plan from this group.

Commissioner Shadoian asked the Director if he could complete the hand count in the 28 days required by law. Mr. Arntz replied that the DoE's hand count plan was designed with meeting the 28 day deadline, however, he could not guarantee that it would take place within 28 days because such a count is new to the Department and it will be a huge undertaking.

Mr. Arntz reported that there is a strong possibility that there will be a recall election this October and two primaries next year - a Presidential primary in June and local primary in March.

8. New Business

NOTE: Items: 8(b)(i), (ii), (iii), (iv) were TABLED.

(c) Discussion and possible action to modify the plan for public education and outreach concerning ranked choice voting and awarding grants to nonprofit organizations to assist with public education and outreach.

Rachel Gosiengfao reported that modifications have been made to the original plan approved by the Commission at the last meeting. One primary organization will be chosen per each supervisory district. The secondary organizations will target various communities under the primary organizations. These targets include young voters, seniors and disabled and low voter turn out areas. Commissioner Stowers asked if Ms. Gosiengfao will produce a timeline for the outreach and her reply was affirmative. Commissioner Mendelson MOVED that the Director of Elections be granted authority to make those modifications necessary to implement the general purposes of the Outreach Program. SECONDED. CARRIED unanimously.

(a) Discussion and possible action to approve Elections Commission Minutes for Commission Meetings held on July 2, 2003.

Commissioner Townsend MOVED to approve the minutes. SECONDED. CARRIED unanimously.

9. Old Business

NOTE: Items 9(b), (c) and (d) were TABLED.

(a) Discussion and possible action to approve Elections Commission Minutes for Commission Meeting held on June 18, 2003.

Commissioner Shadoian MOVED to approve the minutes. SECONDED. CARRIED unanimously.

10. Discussion regarding items for future agendas. *Commissioner Shadoian* suggested the Commission create an advisory panel on technology issues. *Commissioner Schulz* requested that a representative from the Secretary of State's Office attend a future meeting in which the actions of that office are discussed.

11. Public Comment: *Steven Hill* said that people in the audience wanted to attend tonight's meeting to comment on the item 8 subjects that were tabled earlier and asked if they would have the opportunity to comment at the special meeting, should one be held after the Voting Systems and Procedures Panel Meeting. *Lucy Colvin* said that there should not be a special meeting. *Chris Maden, Kaleb Kleppner, Kelly Simpson, Charles Kalish*, encouraged the Commission to go forward with RCV. *Fred Ridel* suggested that the Commission write a letter to the SoS saying that the Director has given his assurance that the hand count can be completed in 28 days.

Commissioner Stowers suggested that the items TABLED under #8, if there is a Special Meeting of the Commission the day after the VSP panel meeting, be put on that agenda as "discussion" items only, in an effort to put less pressure on the SoS's office.

ADJOURMENT at 10:48 pm.

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ELECTIONS COMMISSION
City and County of San Francisco



≡ *Agenda*

**NOTICE OF COMMISSION MEMBERS ATTENDING
VOTING SYSTEMS AND PROCEDURES PANEL MEETING
SACRAMENTO, CALIFORNIA
AT 1:00 PM ON
MONDAY, JULY 28, 2003**

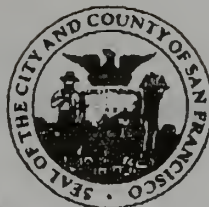
Members of the Election Commission will be at 1500 11TH Street, 1ST Floor – Auditorium, Sacramento, California to attend a meeting regarding Modification to the Mark-A- Vote Card Readers and Ranked Choice Voting Manual Data Capture and Tabulation.

The Commission will not conduct a meeting, and will not discuss matters within its jurisdiction. Nonetheless, because a majority of the members of the Commission may be at the same location at the same time, the Commission is providing this public notice.

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ELECTIONS COMMISSION
City and County of San Francisco

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AGENDA
ELECTIONS COMMISSION

Wednesday, August 6, 2003

7:00 P. M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Keneale
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item before the Commission takes action on that item.

4. **Director's Report**

- October 7 Recall Election
- Ranked Choice Voting
- March Primary Election
- Possible June Primary Election
- Training
- Ballot Distribution
- Voter Services Division
- Budget/Personnel Update
- Campaign Services Division
- Poll Locating
- Poll Worker Recruitment
- Election Support Services Division
- Outreach
- Technology Division

5. **President's Report**

6. **Budget and Policy Committee Report**

- Commission Annual Report

7. **New Business**

- (a) Discussion and possible action to approve the Elections Commission Minutes of Commission Meeting held on July 16, 2003.
- (b) Discussion and possible action to approve the Minutes of the Budget and Policy Committee Meeting held on July 30, 2003.
- (c) Discussion and possible action to approve an alternative security plan for the November 4, 2003 election, and submit the plan to the Board of Supervisors.

Charter section 13.104.5 provides that the Sheriff is responsible for elections security, including but not limited to transporting voted ballots and devices used to record votes from the polls to the central counting location. For the November 2003 election, the Office of Sheriff will be on the ballot and the incumbent Sheriff will be running for election. Under section 13.104.5, when the incumbent Sheriff is running for re-election, the Department of Election must develop an alternative security plan and submit the plan to the Elections Commission. The Elections Commission must then submit an approved plan to the Board of Supervisors.

The Department's alternative plan removes the Sheriff from any involvement with security for the November 2003 election, but permits

Sheriff deputies with training and experience to provide election security. This alternative plan is designed to avoid any potential conflict of interest on the part of the Sheriff, and provide that the security tasks the Sheriff ordinarily oversees are performed in a manner that ensures the integrity of the election.

- (d) Discussion and possible action to seek a waiver from the Board of Supervisors under Charter section 13.104.5 to permit City employees to assist the Department of Elections before, during and after the October 7, 2003, November 4, 2003, and March 2, 2004 elections as well as any election that might occur on December 9, 2003.
 - (e) Discussion and possible action on a statement reaffirming the Commission's commitment to the implementation of the Charter provisions regarding Ranked Choice Voting.
 - (f) Discussion and possible action to recommend to the Board of Supervisors and the City's State Legislation Committee possible amendments to the California Elections Code to facilitate the implementation of ranked choice voting.
 - (g) Discussion and possible action to approve the decision of the Director of Elections to plan for and implement a conventional (rather than ranked choice) election for November 4, 2003, and a possible runoff election for December 9, 2003.
8. Discussion regarding items for future agendas.
9. **Public comment** on any issue not on the agenda but within the Elections Commission's general jurisdiction.

ADJOURNMENT

Disability Access

The Elections Commission meeting will be held in Room 400, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554-4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code §2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.



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The Elections Commission

August 06, 2003



City and County of San Francisco

Elections Commission

Approved: 09-03-03

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Minutes of the Meeting held

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August 6, 2003

1. **Call to Order.** President Rosenthal called the meeting to order at 7:00 pm.

2. **COMMISSION MEMBERS PRESENT:** Commissioners Michael Mendelson, Alix Rosenthal, Thomas Schulz, Brenda Stowers, Richard Shadoian and Arnold Townsend. **ABSENT:** Robert Kenealey.

3. **PUBLIC COMMENT.** *Commissioner Rosenthal* advised the audience that Item 7(g) may be removed from the agenda depending upon what the Director of Elections reports in his presentation and that public comment on that item will be taken when the item is called. *James Bryant* said that his group, the A. Phillip Randolph Institute, supports whatever the Department (DoE) decides regarding the implementation of a ranked choice voting system. *Michael Harris* from the Lawyers Committee for Civil Rights, said that group has filed a suit against the Secretary of State's office ("SoS") seeking to enjoin the recall for violation of the Voting Rights Act. *Walter Johnson* from the SF Labor Council, said that group voted to support Prop. A and continues to support it. *Steve Hill* stated that the Director had made a statement that he has decided to end his efforts for Ranked Choice Voting (RCV) for this November's election and that this is a policy decision that should, instead, be made by the Commission. *Charles Kalish* stated that the supporters of RCV would back the Commission if it took "the strong position." *Tony Brasunas* said that the

Commission would appear to be corrupted if it decided to "pull the plug on RCV tonight." *Guido Shauer* spoke in favor of RCV and said that voting with RCV is not very complex, that people with "big money" were trying to derail RCV. *Dave Heller* said that the Commission was obligated to make sure that RCV happens. *Sabrina Saunders* said that she has worked in voter education in the African American community and supports tabling RCV for now because it's not ready for the general public, there are not enough resources to do education and this would disenfranchise minority communities. *Darlene Chiu* of the Asian Pacific American Leadership Project supported the Director, agreed with the previous speaker's comments, and said she was in favor of RCV when it is ready for implementation. *Ron Dicks*, Vice President of Local 21, said that he was in favor of implementing RCV for this November's election. *Fredrick Penn* said he supported IRV and that the Commission has a unique historical opportunity. *Debra Walker* urged the Commission to carry out the will of the people and do a straight hand count.

4. Director's Report

October 7 Recall Election

Director Arntz reported that San Francisco will not consolidate precincts for the recall election even as other counties will be using fewer precincts. The City has been re-precincted since the last November election due to the 2002 Census data and there will be new and approximately 60 fewer locations. A strong effort will be made to inform the voters of their polling locations. A supplemental appropriation request is being developed for the October recall.

The Mayor called a meeting with Board President Matt Gonzalez, President Rosenthal, Supervisor Aaron Peskin, Controller Ed Harrington, City Attorney Dennis Herrera, Assistant Chief of Staff Steve Kawa, the Mayor's Budget Office Staff and Mr. Arntz. The purpose was to determine how the City can help the DoE. The Mayor suggested that every school, police station, fire station and public building be available as a potential polling place. An assessment is being conducted to determine ADA accessibility of these sites. The goal will be to identify permanent polling sites for elections. The Director stated that the outreach money that was put on reserve for RCV could potentially be used to educate voters of the new polling locations and informing them about becoming absentee voters if they think they will be experiencing difficulty getting to their polling place.

The election plan for the recall should be available to the Commission at the next regular meeting. It is not anticipated that it will differ from past plans.

The Director suggested that the next Commission meeting be moved in order to approve a supplemental to go before the Board of Supervisors before it recesses.

The Recall Election is October 7, 2003. Early voting and absentee voting for the November 4, 2003 election begins October 6, 2003. This means San Francisco will have two simultaneous elections. Some counties may have district or school elections but San Francisco is the only county in the State to have a full county wide election after the recall. The DoE will use a red stripe on the envelopes to distinguish the two elections. During the beginning days of the early election period, only the most experienced staff will be working the election counters in City Hall.

Currently, 558 people have requested nomination papers as candidates for the recall and Saturday is the deadline for filing. The deadline for filing for the November election is Friday. The SoS will make a determination on the formatting of the recall ballots after the deadline.

The SoS will issue a voter's guide for the State, however, the DoE will also need to issue one for the County and it needs to contain a sample ballot for the voters to see how the actual ballot will appear. In addition, the candidates' statements will need to be included.

There may be two statewide measures on the recall ballot, and there is a lawsuit pending in the state Supreme Court on the matter.

September 8th to October 7th are the dates for early voting for the recall election. The last day for voters to register to vote for the recall is September 22nd. September 30, at 5pm, is the last day that voters can request an absentee ballot be mailed to them. October 1st the last day that the Department mails out absentee ballots.

Three candidates have requested the paperwork to run for District Attorney, however none have paid the fee. Twenty-six candidates have requested the paperwork to run for Mayor, none have filed. Three have taken paperwork for Sheriff only one has filed. There are fourteen measures expected to be on the ballot, seven Charter Amendments, six Ordinances and one Bond Measure. The Director said that he is expecting that it will be a two ballot card for the November election.

The DoE has been working to rehabilitate the building at 240 Van Ness, with the assistance of DPW, to avoid violating the City's Fire Code which is why the DoE had to

vacate that location last year. That location is used for precinct card distribution. The Bill Graham Auditorium will be used again this year to stage the absentee balloting process. This will free up space to allow us to use Brooks Hall for absentee ballots in November. Canvassing, which is the accounting of all the voted ballots, will occur in these sites as well. San Francisco has the most thorough canvassing of any county in the state. Most counties just get the ballot statements from the inspectors. San Francisco does an accounting of what was sent to the polling places and the numbers must match. The process is very difficult; sometimes people take ballots home, they destroy cards, sometimes absentee ballots are erroneously placed in the eagle machines and there are provisional ballots to account for as well.

Commissioner Schulz complimented the DoE employees and expressed the need to have staffing stability. Director Arntz concurred and said that there are staff who are classified "temporary as needed," have worked for over 18 months and have no benefits. He said that this forces them to look for work elsewhere. There have been times when the DoE has been able to provide benefits and some job security to staff but those advantages are taken away during difficult fiscal years. The Director said his goal is to make the department a permanent structure. Having a permanent seasonal staff would be a good way to accomplish this and would make a tremendous impact on the DoE.

Director Arntz commented that much of his time has been spent on RCV implementation, the Recall Election and the November Election and he was not able to spend as much time as he'd like on the day to day details of running a department. A benefit of his being involved in these issues has been that his staff has stepped up to the plate and there has been much more collaboration between the divisions.

The March Primary Election

Director Arntz explained that there may be separate State and Federal primaries next year. The Federal election will be in March and the State and local election will be in June. This extra election is unexpected.

Commissioner Mendelson asked what is the average cost of a two-card ballot election in San Francisco. Mr. Arntz estimated the cost for the recall, which is a one-card ballot, is currently at \$3.5M. Adding another card would add \$0.5M.

Commissioner Schulz asked what is the DoE doing to move toward touch screen voting. Mr. Arntz answered that this is something the department needs to consider for the future and that all vendors should be allowed to present their products for consideration and the voters should be allowed the opportunity to provide feedback on the various systems presented. Mr. Arntz suggested that between January and March of next year would be a good time to start looking into this and the set 2005 as

the goal to grant a contract.

Training

Classes for the October and November elections have been set. The ballots will be delivered to 240 Van Ness. The Inspectors will come to pick up their ballots there after class, and this will allow tighter control over the handling of ballots.

No one has ever seen a recall ballot before. A big part of the class will be to train the poll workers so they can explain this process to the voters.

For the November election, we will be intensifying training regarding provisional ballots.

The Poll Worker Training Manual, which will be the basis for the next several elections, is nearly complete and will go to the printers as soon as possible. We will be making improvements in the manual after each election.

Ballot Distribution

The division will be meeting with representatives of the United States Postal Service tomorrow. This is one of the most important entities for elections. If the DoE hadn't worked with the USPS last year as much as it did the cost would have been over \$1M last year to mail the Voting Information Guide (VIP). With their help, the cost was \$300,000. The DoE was able to incorporate the suggestions, rules and guidance of the USPS in its production of the VIPs.

The voter guide for the recall will probably be very small and will be mailed first class. The November guide is not likely to be as big as last year's one pounder.

Commissioner Schulz asked the Director what would be the difference in size if RCV were implemented for November. Director Arntz answered that current plans were for \$24,000 for the production of the pages that explain the process. The poll worker training guide would, of course, also contain information on RCV.

Commissioner Rosenthal asked the Director about the status of the Commission's

request to eliminate paid ballot arguments. Mr. Arntz explained that since the amount of money taken in for paid ballot arguments did not cover the expense of formatting, publishing and mailing, the Controller's Office is working on a formula that better captures the amount fee payers should pay to cover those expenses. However, the new fee structure will not be ready until the March 2003 election.

The division is preparing for the Union Square Business District election that will probably take place the end of September.

Voter Services

The division continues verifying signatures on petitions, ballot initiatives, signatures in lieu of filing fees and processing registration cards. Pictures of voters' signatures are being scanned into the DoE computers for use in comparisons to verify voters' signatures. Newly arrived staff is being trained for the upcoming elections. Voter data-base files software was updated over the last two weekends. This software has to be tested first before it goes online. The department uses a live data-base and a practice data base for this purpose. Once we are satisfied that there are no bugs or problems with the software, it is put into production. This is what will happen this coming weekend.

The division is working to inform absentee voters that they can become permanent absentee voters by just checking a box on their applications.

Budget and Personnel

The division is working to gather the supplemental appropriation amounts needed to handle the upcoming multiple elections. Once the Commission has reviewed and approved the requests, it goes to the Finance Committee of the Board of Supervisors.

The RFP (request for proposals) for printing the Voter Guide went out this week.

Director Arntz said that the large audience at tonight's meeting showed there was a lot of interest in the election. He said he hoped that interest would continue through election day and he urged members of the audience to sign up for jobs like the one for inspectors who make \$105.00, or clerks who make \$87.00, plus \$25.00 for a day of training. Applications are readily available at the department's front desk.

The Department's level of staffing is expected to be at 100 people within the next week, largely due to the recall election. That number may double by the first of October.

Campaign Services

The division has hired staff that are bilingual in Spanish and Chinese to work at the front desk. On August 18, the phone bank will begin. An outside vendor may be used to handle the "where is my polling place?" calls - because these are the highest number of calls coming into the department during election time. This would free up department staff to handle other necessary duties.

Important dates before the next Commission Meeting:

Monday, August 11 - Ballot Simplification Committee submits digest on measures and Controller submits financial analysis of these measures.

Thursday, August 14 - SoS will randomly draw alphabetical letters to determine order of candidates on the ballot.

Tuesday, August 19 - Pro and Con Ballot Arguments are due into the department.

Poll Locating

Precinct maps are being finalized. Senior and public housing buildings are being considered as polling places. Poll worker Recruitment - The DoE is calling potential poll workers during the day and evening hours by using staff working two shifts. The Department needs to recruit 75 workers per day to meet requirements for election day. The goal is to have 150 - 200 reserve poll workers in case there are dropouts. Since the SoS wants to get a candidate list out to the counties next Monday, the Department will have workers on duty this coming weekend. Additionally, we need to have the ballots formatted as soon as possible because, by law, the overseas ballots can go out as early as 60 days before the election.

Outreach

Election materials are being translated into other languages by the people who were hired in Campaign Services. Staff has appeared on Chinese Radio and Television explaining the recall election to voters. Twenty-four community outreach presentations have been scheduled for August. Bilingual poll workers for the upcoming elections are being recruited.

The Director advised that the Election Support Services Division's title has now been changed to Poll Worker Recruitment Division.

Technology

The Division has worked for the past two weekends to get the elections software updated, and ballot logic and accuracy issues resolved for the fall elections. There has been an increase in the public asking for specific data breakdowns, this staff runs those queries. The division set up new accounts for each new employee in the DoE.

Ranked Choice Voting

The Director stated that on Monday, July 28, 2003, the VSP (Voting Systems and Procedures Panel) met in Sacramento. The purpose was to review the DoE's application for a manual counting procedure for RCV. The SoS's staff made a recommendation to the VSP that the DoE's system not be certified. The report stated there were serious defects with the system, however, Mr. Arntz explained that the VSP ultimately covered two areas: the procedure/ manual area and the computerized area of the system. The concerns about the manual procedures could be resolved in time. The biggest challenge is the computerized portion of the system. The failure was in three areas, per the VSP. Those areas were the manual one percent tally of cards after the election, the recount and the issue of ties.

The DoE tried to have a system that would just count the votes, not taking into account the VSP's point that the DoE had to track the votes. This is where the VSP says our system failed. They also said the ballot design would be confusing to our voters. The ballot design is for the ES&S system. The VSP commented that it foresees a need to change the State law for RCV. The SoS's office has letters from the federal testing authority stating that the hardware and software have been reviewed *but no reports have been sent*. The SoS takes the federal reports and based its own tests on them - they need the reports first. It takes a minimum of two weeks to set up a date to do these tests.

Director Arntz said that he wanted to feel confident that whatever system used for RCV in November would work. He said he has made the decision, that under these circumstances, for this November, the DoE cannot use Ranked Choice Voting. In addition to having a system certified in time for the November election, there has to be outreach to the voters on the new system. The more time that goes by when there is nothing available for use to demonstrate the new system, the more time that is wasted in telling people how to vote in this fall's election. It takes two to three weeks to get the logic and accuracy testing results back for an election. If everything went perfectly, that means it would be the end of September for the October 7th recall election and only one month before the November election. The Director stated that he was not comfortable in putting a completely new system into the eagles and testing it. It may not work. Just because it's been certified, does not

mean that it will work when it's tested. There just isn't enough time.

Commissioner Shadoian said the Director should not make a policy decision about RCV since that was the responsibility of the Commission. *President Rosenthal* asked the Deputy City Attorney if this was correct. *Ms. Moll* replied that the Charter requires that there be RCV. The Commission made a policy statement that it and the Department would do everything possible to implement RCV. But it's the law, not a policy question. The only possible reason not to have RCV for the November Election is if it's impossible. Only the Director of Elections is responsible for the day to day administration of the Department of Elections, and is qualified to determine whether it's possible or impossible - it's not a policy decision, it's a factual determination.

Commissioner Shadoian asked if the Election Systems and Software (ES&S) representative could shed light on the status of his equipment for RCV. President Rosenthal said that there would be a break and then Mr. Taggard could speak.

BREAK taken at 8:52 pm. Meeting RESUMED at 9:03pm.

5. PRESIDENT'S REPORT - President Rosenthal announced that she would not give a report for this meeting and that item 7(g) would be pulled in light of the recent report by the Director and discussions regarding that report.

President Rosenthal asked Joseph Taggard of ES&S if he had anything to report to the Commission.

Mr. Joseph Taggard stated that Hardware ITA has been received by the SoS and that he could not comment on additional reports due to the SoS on the software. He said that he was contractually obligated to pursue the certification process and that he would continue to do that.

Commissioner Mendelson asked Mr. Taggard if there was a reasonable probability that the system would be up and running in time for the November election. Mr. Taggard replied that he could not answer because he could not speak for the Secretary of State. He said it was a surprise to him that the DoE system presented to the SoS was not certified. Commissioner Mendelson asked Mr. Taggard if he was aware of the alleged shortcomings of the system presented to the SoS. Mr. Taggard replied that he was and that he felt he could mitigate several of those problems. He said he could do one percent manual recounts and support the canvas. However, the tie vote of seventh, eighth or ninth ranked candidates could not be done because the law doesn't say anything about how to solve that particular problem.

Commissioner Schulz asked Deputy City Attorney Moll if her office would carry out the legal defense if the DoE chooses to go forward with a system not fully certified by the SoS. Ms. Moll responded affirmatively. She stated that her office's opinion has already been given to the Commission and Department that a hand-count may not be consistent with the Charter and even if it were, SoS approval would likely be required for that system. But the Commission is not required to follow this advice, and the City Attorney will defend the Commission and Department regardless of whether they follow the advice.

6. Budget and Policy Committee Report - Commission Annual Report.

Commissioner Stowers reported that the Committee reviewed and reformatted the Annual Report and would be asking the full Commission to approve it at its next meeting.

7. New Business

(a) Discussion and possible action approve the Elections Commission Minutes of Commission Meeting held on July 16, 2003. Commissioner Mendelson *MOVED* to approve the minutes.

The MOTION CARRIED.

(b) Discussion and possible action to approve the Minutes of the Budget and Policy Committee Meeting held on July 30, 2003.

TABLED to the next meeting of the Budget and Policy Committee.

(c) Discussion and possible action to approve an alternative security plan for the November 4, 2002 election, and submit the plan to the Board of Supervisors.

Charter section 13.104.5 provides that the Sheriff is responsible for elections security, including but not limited to transporting voted ballots and devices used to record votes from the polls to the central counting location. For the November 2003 election, the Office of Sheriff will be on the ballot and the incumbent Sheriff will be running for election. Under section 13.104.5, when the incumbent Sheriff is running for re-election, the Department of Election must develop an alternative security plan and submit the plan to the Elections Commission. The Elections Commission must then submit an approved plan to the Board of Supervisors.

The Department's alternative plan removes the Sheriff from any involvement with security for the November 2003 election, but permits Sheriff deputies with training and experience to provide election security. This alternative plan is designed to

avoid any potential conflict of interest on the part of the Sheriff, and provide that the security tasks the Sheriff ordinarily oversees are performed in a manner that ensures the integrity of the election.

Commissioner Schulz MOVED to approve the plan.

Public Comment - *Don Eckleburger* asked the Commission to be mindful that the week of October 7th is also "Fleet Week" and that the City has unique security demands during that time of the year without the addition of an election.

MOTION (08-06-03-1) CARRIED.

Commissioner Townsend asked about the DoE's electronic security and hackers. Director Arntz said that there was a firewall in the computer room that has been adequate for this purpose.

(d) Discussion and possible action to seek a waiver from the Board of Supervisors under Charter section 13.104.5 to permit City employees to assist the Department of Elections before, during and after the October 7, 2003, November 4, 2003, and March 2, 2004 elections as well as any election that might occur on December 9, 2003. Commissioner Mendelson MOVED to approve.

Discussion: Director Arntz stated that the idea for this waiver came from the meeting mentioned earlier with the Mayor on how the City could help the DoE. Board President Matt Gonzalez has already presented this to the Board of Supervisors and has their support. A list of the workers will be made public and will be presented to the Board and Commission and if anyone has any concerns about the accountability of the persons volunteering from the City workforce, that objection can be made once the list is completed.

Commissioner Shadoian asked if there would be a problem if the staff of someone running as a candidate were to volunteer to work during the election. Director Arntz said this is why the list is made public. Ms. Moll stated that in the past, it was the practice of the Department to avoid an appearance of impropriety by not allowing people who were involved in local campaigns to handle ballots. A similar past practice was to avoid using police or fire stations as polling places if there was a measure on the ballot attaching police or fire personnel.

MOTION (08-06-03-2) CARRIED

(e) Discussion and possible action on a statement reaffirming the Commission's commitment to the implementation of the Charter provisions regarding Ranked Choice Voting. Commissioner Shadoian MOVED to approve.

Discussion: *Commissioner Stowers* said that the Budget and Policy Committee met last week and considered the cost of the Recall Election and the cost to implement RCV. She said elections are not all about money but also involved time and resources as well. The Director and his resources could not do all these things at once. The Committee agreed that even with the recall election, it was important that the Commission continue to seek funding, continue to support the going forward of Ranked Choice Voting and support the Department in any way it can to that end. *Commissioner Mendelson* said the law is clear and the Commission and Department have a commitment to implement Ranked Choice Voting, if not today then tomorrow. He said it was also the commitment of the Commission to protect the franchise and that the means be legally consistent with the State of California's requirements. *Commissioner Townsend* agreed and stated that he had only one problem, the term "ranked choice voting" which he said was not what it was called in the title of the proposition. The Commissioner said that he understood that the legal language that the voters never saw, referred to "ranked choice voting" but that is not what the voters called it. He said the operative word for the voters was "instant."

Commissioner Shadoian moved to amend the statement to add that the Proposition would be implemented in November 2003. Seconded by Commissioner Schulz.

Public Comment: The following speakers spoke in favor of a positive vote on the amendment by Commissioner Shadoian: *Susan Hall, Guido Schauer, Mr. Schauer, Matt Spencer, John-Marc Chandonia, Susan Vaughan, Ron Dicks, Bill Henslin, Joe Rowe, Robert Haaland, Steven Hill, David Heller, Corey Valdez, Dave Kadlecsek, Robert Boileau, Sally Ann Buchmann, Laura Schacherer, John Caruso, Katherine Roberts, Howard Wallace, Alexei Folger, Michael Harris, Lucy Colvin, Eileen Hansen, Rob Arnow, Tony Brasunas, Susan King, Charles Kalish, Erika McDonald, Scott Munson, Sennet Williams, Terrance Hallinan, Greg Kamin, Kelly Simpson, Karen Heisler, Mr. Gleason, Angela Ramsey.*

The following speakers spoke in favor of waiting to educate voters well and/or to make sure equipment is ready and/or all plans are ready before implementing RCV: *Latrice Holland, Dedra Smitz, Christopher Bowman, Edgar Boyd, Arthur Chang.*

The Question was CALLED on the amendment. The motion **FAILED**.

Commissioner Stowers asked to have a vote on the original motion. **Discussion:** *Commissioner Stowers* stated that she didn't like the fact that the DoE may not be able to implement RCV by November 5th, but the Commission has to trust that it has hired a capable and competent Director and must do everything to go forward. If the Commission mandates that the Director implement RCV on November 4th, it has no right to do so. The Commission must trust the sanctity of the vote and do everything possible to have a certified election. *Commissioner Townsend* stated that what the voters voted to implement can not be done in time for November. He said the

electronic system to count the votes has not happened and the hand count we submitted has been turned down by the State.

Commissioner Schulz stated that the previous vote was one to answer whether the Director of Elections should have checked with the Commission before making the decision to not rely upon a RCV system for the November 4th election. The Commissioner said he still needed to be convinced that implementation of RCV would put the DoE under a great risk of failure for the November 2003 election. Commissioner Schulz said he couldn't vote for this item until he could show he was committed "all the way," that it be implemented in November 2003.

Commissioner Mendelson stated that the Commission was committed to implementation of RCV and that Director John Arntz is entitled to respect for the work that he has done.

Commissioner Stowers called the question.

President Rosenthal called for a recess before public comment, due to the late hour and the need for attendees to remove their cars from the garage which closes at midnight.

Recess began at 11:30 pm.

Meeting resumed at 11:48 pm

Commissioner Shadoian did not return to the meeting.

President Rosenthal restated item 7(e) and limited public comment to one minute.

Public Comment: *Hal Looby* stated that when people voted for Prop. A. they didn't think that there would be highly efficient machines to count the votes in an IRV election but that they would not have to come back for a run-off election. *Don Eichelberger* said that it wasn't necessary to have a resolution on something that was already the law. *Susan King, John Caruso, Eileen Hansen*, encouraged the Commission to vote yes. *Mr. Schauer* said that personal attacks are sometimes necessary. *Lucy Colvin* said that the City Attorney has said that he will defend a hand count, even if it is not certified. *Steven Hill* said that he wasn't convinced that every option has been explored, he has lost faith in the Commission and the Director and that his attorneys will go into litigation. *Dave Heller* said the Commission was disenfranchising voters and that he was supporting the lawsuit. *Tony Brasunas* said that the Deputy City Attorney said that the Director could refuse to implement RCV for November only if it

were "factually impossible" to do and he said that Mr. Arntz has not said that it was factually impossible. *Chris Bowman* said that there needs to be a drop dead date for implementation of RCV and that the Commission should wait to make a decision the fourth Wednesday of this month. *Katherine Roberts* stated that RCV should happen November 4th and that she would be making a contribution to the lawsuit.

Commissioner Schulz stated that he would vote yes but that he felt that vote would be incomplete because it wouldn't contain the November 2003 date.

MOTION (08-06-03-3) CARRIED.

(f) **Discussion and possible action to recommend to the Board of Supervisors and the City's State Legislation Committee possible amendments to the California Elections Code to facilitate the implementation of ranked choice voting.**

Commission Schulz **MOVED** to approve.

Discussion: *President Rosenthal* said that this item was on the agenda in order to direct the City Attorney's office to consider what needs to be done to rectify any requirements in State law that may stand in the way of implementing RCV as quickly as possible. *Deputy City Attorney Moll* said that she could bring ideas about what changes may have to be made in State law to the August 20th Commission meeting. She said that if such changes were necessary, she would draft the proposed amendments for the Commission to consider.

Public Comment: *Dave Kolnachek* suggested some laws which he thought the City Attorney should examine. *Steven Hill* said that there were many flaws in the VSP's decision.

MOTION (08-06-03-4) CARRIED

9. **Public comment on any issue not on the agenda but within the Elections Commission's general jurisdiction.** Speaker suggested that the Commission be more tolerant to outbursts from members in the audience during meetings because people are "passionate about RCV." Speaker suggested that equal time be given to both sides of an issue during public comment.

ADJOURNMENT at 12:28 am

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ELECTIONS COMMISSION
City and County of San Francisco



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AGENDA
ELECTIONS COMMISSION

SPECIAL MEETING

Monday, August 18, 2003
6:00 P. M.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **Roll Call**
3. **Public Comment** on agenda item number 4. Sunshine Ordinance Section 67.15(b).
4. Discussion and possible action to approve a request for the supplemental appropriation of funds to cover expenses required for the October 7, 2003, Recall Election.

ADJOURNMENT

Disability Access

The Elections Commission meeting will be held in Room 416, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8060.

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724, Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.

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AGENDA
ELECTIONS COMMISSION
Wednesday August 20, 2003
7:00 P. M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.
4. **Director's Report**
 - October 7th Recall Election
 - Consolidated Space
 - Outcome of Court Hearing on August 11
 - Voter Services Division
 - Campaign Services Division
 - March Primary Election
 - Possible June Primary
 - Poll Worker Recruitment
 - Training
 - Outreach
 - Ballot Distribution
 - Technology Division
 - Budget/Personnel Update
 - Poll Location
5. **President's Report**
6. **New Business**
 - (a) Discussion and possible action for the removal of the President of the Commission.
 - (b) Discussion and possible action to elect a new President of the Commission.
 - (c) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on August 6, 2003.
 - (d) Discussion and possible action to approve the Commission Annual Report (2002-2003).
7. **Possible Closed Session** to confer with counsel.
 - (a) Discussion and possible action whether to hold Closed Session pursuant to Ralph Brown Act Section 54956.9 and Sunshine Ordinance Section 67.10(d).
 - (b) **CLOSED SESSION:** Conference with legal counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10(d); litigation in the matter of Ranked Choice Voting implementation.
 - (c) Discussion and possible action re: disclosure of closed session pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.
8. **Discussion regarding items for future agendas.**
9. **Public comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

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The Elections Commission

August 20, 2003



City and County of San Francisco

Elections Commission

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Minutes of the Meeting held

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August 20, 2003

1. **CALL TO ORDER.** President Rosenthal called the meeting to order at 7:04 pm.

2. **COMMISSION MEMBERS PRESENT:** Commissioners Michael Mendelson, Thomas Schulz, Robert Kenealey, Brenda Stowers and Richard Shadoian. **ABSENT:** Arnold Townsend.

3. **PUBLIC COMMENT.** The following speakers spoke in favor of implementing Ranked Choice Voting (RCV), *Norman Rolfe, Steven Hill, Charles Kalish, Rick Galbraith, Jim Salinas, Lucy Colvin.* The following speakers said that RCV needed to be completely ready and the voters educated before implementation: *James Bryant and Rosabella Safont.* *Charles Marsteller* spoke regarding using the Ethics Commission's model.

Commissioner Arnold Townsend joined the meeting during the first speaker under Public Comment.

4. DIRECTOR'S REPORT.

October 7th Recall Election - In this division, staffing is being hired, absentee ballot assembly is occurring, 240 Van Ness is being manned to receive the precinct cards, and the draft plan will be ready for the next Commission meeting,

Consolidated Space - Rooms on the fourth floor of Bill Graham Auditorium have been identified for use for absentee ballot counting and canvassing of the Recall Election. For this election cycle, the DoE will be using the same locations as those for the last election. The Elections Commission's office may need to be used for the October 7th - with the Commission Secretary using a workstation elsewhere in the DoE.

Outcome of Court Hearing on August 11 - The Superior Court did not grant the writ of mandamus, Julia Moll will report further during this meeting.

Voter Services Division - The division has caught up with the voter registration cards and cancellations. Space for processing provisional and absentee ballots for the Recall Election has been set up.

Campaign Services Division - Staff has been very active receiving proponent and opponent arguments and the drawing for opponent arguments was held this week. There needs to be a local code to control the submittal of these arguments to the Department.

March Primary Election - The calendar for this election is being formulated. Remember, the deadlines for this election occur around the November election. It is highly likely that there will be a June Primary next year.

Poll Worker Recruitment and Training - Several hundred workers have been scheduled for training classes, and the syllabus is in place. Although the numbers of participants are high, from past experience, we can't count on them working on election day because some will drop out.

Outreach - Community activities continue as well as recruitment of bilingual poll workers.

Ballot Distribution - 240 Van Ness Avenue, Brooks Hall and Bill Graham Auditorium are being set up to receive the ballots for the October and November elections.

Technology - This division has been getting the Logic and Accuracy Testing ready for the October election as well as checking the functioning of all the workstations for new employees as they arrive.

Budget and Personnel - The division is working with the budget analyst of the Board of Supervisors in preparing the supplemental appropriation that the Commission authorized last Monday. Since that report by the budget analyst has not been completed, the supplemental will have to wait until the Board of Supervisors convenes after its summer break, in one month.

President Rosenthal asked the Director if this delay would affect the Department. Mr. Arntz replied that it would not because he is using the baseline budget and tracing the expenses spent on the October Recall Election and will recoup the money once the supplemental is finally approved.

Personal and Budget Update - Personnel requisitions are still pending at the Department of Human Resources. The Mayor's office and the Controller's office have signed off on eight permanent provisional positions in the DoE. It is hoped that by the next Commission meeting these issues will be resolved.

Poll Locating - It is anticipated that all locations will be found within the next two weeks for the October Recall Election. These locations will also be used for the November election. There will not be a consolidation of precincts.

Commissioner Townsend said that although outreach for RCV wasn't needed for this election, outreach is still important. The Commission should do all it can to increase voter participation and he would like the Director to make his outreach plan for the November election available to the Commission in time for the next Commission meeting.

Commission Schulz asked how voters will be told if their precinct locations have been changed as a result of the census. Mr. Arntz said that the Voter Guide would, of course, have precinct information and he hopes to do a mailing to all registered voters within two weeks.

Commissioner Mendelson asked if the State was going to reimburse the City for any monies spent on the Recall Election. Mr. Arntz stated that legislation is at the State Legislature but not yet approved or finalized. Senator Burton has been pushing this through.

President Rosenthal asked the Director if there were any challenges before the Department in which the Commission could assist. Mr. Arntz answered that there is a primary need for poll workers for the October election. He asked that Commissioners speak to media and organizations about this need. Commissioner Townsend said he would provide a list of the organizations with which he is affiliated.

Commissioner Schulz asked Deputy City Attorney Julia Moll if Commissioners could be poll workers. Ms. Moll said that there was no reason why Commissioners couldn't serve as poll workers. The Commissioner said he would volunteer as a poll worker.

5. **PRESIDENT'S REPORT.** President Rosenthal said she had no report and invited Julia Moll to report on the legal actions taken earlier in the day.

Ms. Moll reported that a lawsuit was filed a week ago compelling the DoE to take steps to implement RCV for November 2003, and prevent the DoE from doing anything to stop those preparations. A temporary restraining order was sought by the plaintiffs which was denied last week but set a hearing this morning for a preliminary injunction on the matter. Judge Warren, of the Superior Court, held a lengthy hearing. The court acted on the writ of mandate and denied the relief requested. The Judge stated that, although RCV was in the City's Charter, the need for an orderly, fair and transparent election was paramount.

Commissioner Mendelson asked if the decision included oversight by the Secretary of State (SoS). Ms. Moll answered that the lawsuit was against the City, Director of Elections and the Elections Commission and did not name the SoS. However, the suit did call for a fully manual hand count for the November election and that this hand count not be submitted to the SoS for approval. The City said that before that could be granted, the SoS had to be a party in the case because the court would be making a statement about the power and duties of the SoS. The Court stated that this could not happen without the SoS being present and participating in the proceedings.

Commissioner Schulz asked Director Arntz when would be the next election in which RCV, for individual offices could take place. Mr. Arntz answered that the November 2004 election for supervisors in the odd numbered districts of the City would be the next time for RCV.

6. New Business

(a) Discussion and possible action for the removal of the President of the Commission

President Rosenthal passed the gavel to the Vice President, Michael Mendelson, to preside over this item. Commissioner Kenealey MOVED. Commissioner Schulz SECONDED.

Discussion: *President Rosenthal* stated that the DoE is facing the toughest election season it may ever face and she feels the department is ready. She said the Commission should be the firewall between the Director and the intense pressures of City politics and the Commission, too, cannot fall victim to these politics. She said that her removal would damage the Commission because it would set a precedent and that the credibility of the Commission is at stake. The president urged her fellow Commissioners to protect the department from instability and politics. As president, Ms. Rosenthal said, her goal was to keep the DoE and the Commission out of the newspapers.

Commissioner Townsend said that he wanted to know the reason this item is on the agenda. He said that unless there's malfeasance in office, a person should be allowed to fill out their term.

Commissioner Schulz said that one of the reasons this item was on the agenda was because of the unique structure of the Commission, in which each member is only subject to the evaluation of their appointing authority. He said the By Laws should include this relationship and give guidance to the Commissioners.

Commissioner Stowers said that she feels that some of the President's actions have been inappropriate. The Commissioner listed the following as examples: making comments about RCV to political organizations such as the Young Democrats; that the President addressed the audience as the "peanut gallery"; the President refers to the Commission as "her Commission"; that the agenda is "her agenda"; and that requests to have items on the agenda by fellow Commissioners have been blocked.

Commissioner Townsend replied that these were not reasons for removal and that the comment about "peanut gallery" was not indicative of how the President feels about the citizens of the City. He reminded the Commission that the statement was said after several hours into a five-hour long meeting after the President had been under

personal attack. He said that instead of this item being on tonight's agenda, a cooling off period might have been more appropriate.

Public Comment:

The following speakers spoke in favor of keeping the President: *Gwyneth Borden, Lee Blitch, Sonia Melara, Eric Allen, Jim Salinas, Sr., Rosabella Safont, Myrna Lim, Gritchen Schoenstein, Christiana Dominguez, Helynna Brooke.*

One speaker said he was against keeping the President: *Norman Rolfe*, said if it were up to him, he'd fire the President and the Director.

The following speakers said they were neutral on removal of the president: *John Bardis* said that he was in favor of the courage it took to bring the question of leadership forward, *Alexei Folger* said that it is a good thing to discuss this matter and that she wants better leadership, and *Karen Hiesler* said that bringing this up was a "red herring".

Commissioner Mendelson called the QUESTION. The roll call vote was 5-2 in favor of retaining the President. The motion **FAILED**.

President Rosenthal called for a ten minute BREAK at 8:45 pm. Meeting RECONVENED at 8:55 pm.

(b) Discussion and possible action to elect a new President of the Commission. This item was **TABLED**.

(c) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on August 6, 2003. Commissioner Shadoian asked the Secretary to review the tape of item 7(d) of the August 6, 2003 meeting to verify if there was an amendment to remove the dates after November 4, 2003 from the motion. This item was **TABLED**.

(d) Discussion and possible action to approve the Commission Annual Report (2002-2003). Commissioner Shadoian **MOVED** and Commissioner Townsend **SECONDED**.

Discussion: Commissioner Stowers called the Commission's attention to page eleven of the Annual Report and the three items listed as strategic goals which she said were the most important point of the report.

Commissioner Shadoian called the QUESTION. The vote CARRIED.

7. **Possible Closed Session** to confer with counsel. President Rosenthal said that this item was **TABLED**.

8. **Discussion regarding items for future agendas.**

Commissioner Townsend asked for a program/plan from the Director for RCV for November 2004. This program to be presented to the Commission after this coming January.

Commissioner Shadoian requested that the Director keep the Commission apprised of the progress of the ES&S proposal for RCV, and that this be a part of the regular Director's Report.

Commissioner Stowers requested that past items suggested by Commissioners for agendas, that have not been calendared, be calendared. The Commissioner also requested that discussion and possible action for the President to develop a strategic plan for the Commission to determine its direction be calendared within the next 30 days. She added that these plans be based on the items listed within the Commission's first Annual Report, using the three items of that report on page 6.d.11 of the Commission packet for this meeting.

President Rosenthal suggested that submittal of official ballot arguments be calendared. She said that the rules governing official proponent/opponent arguments need to be presented to the Board of Supervisors. Supervisor Hall referred this item to the Commission in January of 2001, before the Commission was formed.

ADJOURNMENT was at 8:54 pm.

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ELECTIONS COMMISSION
City and County of San Francisco

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AGENDA
ELECTIONS COMMISSION
Wednesday September 3, 2003
7:00 P. M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.
4. **Director's Report**
 - October 7th Recall Election
 - Outreach
 - Ranked Choice Voting
 - Voter Services Division
 - Campaign Services Division
 - March Primary Election
 - Possible June Primary
 - Poll Locating
 - Poll Worker Recruitment
 - Training
 - Ballot Distribution
 - Technology Division
 - Budget/Personnel Update
5. **President's Report**
 - Timing of future agenda items
 - Review of Bylaws and possible changes
 - Commission Retreat
6. **New Business**
 - (a) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on August 6, 2003.
 - (b) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on August 20, 2003.
 - (c) Discussion and possible action to approve the Election Plan for the October 7 Recall Election.
 - (d) Discussion to develop a general plan for the Commission to assist the Department address needs identified by the Department.
7. **Discussion regarding Items for future agendas, including timing issues.**
8. **Public comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

Disability Access

The Elections Commission meeting will be held in Room 400, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting: except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554-4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.



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The Elections Commission

September 03, 2003



City and County of San Francisco

Elections Commission

Approved: 09/17/03

Minutes of the Meeting held

September 3, 2003

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1. President Rosenthal called the meeting to order at 7:03 pm.
2. **COMMISSION MEMBERS PRESENT:** Commissioners Michael Mendelson, Alix Rosenthal, Thomas Schulz, Robert Kenealey, Brenda Stowers, Richard Shadoian and Arnold Townsend. **ABSENT:** none.
3. **PUBLIC COMMENT.** *James Bryant* asked if there is outreach money for communities with voter turnouts of under 25% and if so how to apply for those funds.
4. **DIRECTOR'S REPORT:**

Outreach – Director Arntz said that there were no funds specifically for low voter turnout. He said that low voter turnout has not been something that has been funded in the budget in the past.

Within the last ten days, 83 bilingual poll workers and 131 English speaking poll workers have been recruited.

October 7th Recall Election – The absentee ballots and the test ballots for logic and accuracy have been received for the scanners to read. The generic ballots (those without precinct numbers) go to City areas which have a specific ballot type – a ballot type is defined by the political boundaries of the election, depending on where district lines intersect. There are two ballot types for this November's election, based on the assembly districts (12 and 13). The Voter Information Packets (VIPs) will be completed by the end of the week, and the local VIPs will be mailed next week. The state VIPs for the recall election will be mailed next week by the Secretary of State (SoS).

Voter Services – This division has been receiving approximately 1000 voter registration cards a day during the last several days. Everything should be caught up and processed by next Monday. Monday, September 8, is the first day to mail absentee ballots and to early vote in City Hall. The division will set up an information table near the elevators to assist voters who might have questions regarding their registration.

Campaign Services – All information for the November election is now available at the front counter of the department. The division will be setting up the voter observation panel for the upcoming elections and the procedures will be available to the Commission next week. During the third week of September, there will be an open house in the DoE. Last year, two-hundred visitors attended.

March and June Primaries – No decision has been made by the legislature to bifurcate (separate) the state, federal and local issues in March and move them to June.

Poll locating – There will be 553 polling places for the October and November elections. The department only needs to identify fifteen more to meet this goal. San Francisco will not be consolidating polling places like other counties plan to do. Post cards informing citizens of their polling locations will be sent out next week. The same information will be on the voters' guides they will be receiving and on our website.

Poll worker recruitment – The division has 553 inspectors signed up and so far 486 have been scheduled for training classes. The goal is to have an additional 100 standby inspectors. Nearly 1900 clerks have been signed up with 1400 of those scheduled for classes. 245 bilingual poll workers have been obtained.

Training – This division has developed materials for the classes and training demonstrations. These demonstrations are observed by DoE personnel who give

feedback to the instructors. The poll worker manual is currently being printed and classes are being booked.

Ballot distribution – The absentee ballot distribution for the October election will take place in Bill Graham Auditorium. The precinct cards will be staged at 240 Van Ness as has been the practice in the past. For the November election the staging will be at Brooks Hall.

Technology – This division has been preparing the logic and accuracy testing. The absentee cards have been marked and are ready for testing. The precinct cards will be marked later this week with the testing taking place early next week.

Budget and personnel – Supervisor Dufty presented a resolution to the Board of Supervisors that suggests that the Department of Human Resources (DHR) assist the DoE in creating permanent seasonal positions. This is a good first step.

President Rosenthal asked if it would be helpful for individual Commissioners to contact DHR and the Board for follow up. Mr. Arntz suggested that Commissioners have a planned approach because the staff of the department does not have the time, currently, to follow through due to preparations for the elections.

The department is gathering information for the supplemental appropriation for the October election and ensuring that the money currently being spent is within the budget for the November election and the department is being vigilant that money is being managed carefully.

Ranked Choice Voting (RCV) – The DoE has sent a memo explaining the plan for preparation for the November 2004 election using RCV to the Board of Supervisors, the Commission and the Mayor. In the memo, the Director suggested going forth with a Request for Proposal (RFP) for vendors and technology that can be useful in implementing RCV. The DoE is also contemplating a back up plan if a vendor doesn't come forward. Changes in state law will also be considered and space continues to be a very important issue, both issues were mentioned in the memo. If a new technology is used, there needs to be dedicated space for its storage, for example, touch screens which need racks and power sources to keep the equipment charged up, space to service the equipment and to load them into delivery trucks to go to polling places and return them.

Commissioner Kenealey reminded the Director and the Commission that unless legislation is considered "urgent," it will not become effective until January 2005 at the earliest. If it is "urgent," it must pass by 2/3rds vote in both houses.

President Rosenthal asked the Director if it would be beneficial for him to come up with seven tasks to assist the DoE that could be divided among the Commissioners for the upcoming election. Mr. Arntz said this would be very helpful and he will present these tasks at the next meeting.

President Rosenthal reminded the Commission and Director that one of the duties of the Commission, mandated by the Charter, is to specifically evaluate the election plan. Commissioners can use these assigned tasks as a first step in that evaluation.

Commissioner Shadoian asked the Director about a complaint he had received that erroneous information was given at a meeting of a community group by a DoE employee. The Director reported he had received a call from a member of the group who thanked the DoE for their presentation. Someone, purportedly from the group, came into the DoE office to register a complaint about the information given at the meeting but would not give their name or make a written complaint or leave any contact information. However, the outreach group was reminded of the information they are to give during presentations.

Commissioner Shadoian asked about the progress of Elections Systems and Software's (ES&S) proposal for RCV. Mr. Arntz answered that the status is the same as it has been for the last several months. The SoS's office is awaiting a report on the software from the federal testing authority.

Commissioner Shadoian asked about the membership of the logic and accuracy panel. The Director stated that they were citizens with a breadth of experience in the community and some of them have a technical background. Mr. Arntz said, that as in the past, the names and occupations of the members are available.

Commissioner Shadoian asked for the numbers of absentee voters. The response was approximately 55,000. The Commissioner asked Deputy City Attorney Julia Moll the status of the investigation into legislative needs to implement RCV. Ms. Moll said that her office will need to consult with and work with the SoS to finalize exactly what in State laws need to be changed. Presently, the City Attorney's office is looking at the test report from the SoS and the transcript of the VSP panel. Ms. Moll said there are two areas of State law to consider – one governing the discretionary recount and one governing the automatic recount. The decision about modifications to State law is not expected any time soon.

Commissioner Kenealey reminded everyone that there is one way to bypass the "urgency legislation" rule in time for the November 2004 election. He said that depending upon who is governor, he/she can call a special session and have this item on the agenda, it can be effective immediately upon passage and the signature of the governor. This would need to be requested by the SoS. Ms. Moll said that her office

would certainly explore this possibility with the SoS.

Commissioner Schulz asked the Director if there was a backup plan if all the polling precincts aren't in place in time for the printing of the VIPs. The Director answered that the addresses are ink jetted on the cover of the VIPs and that this can be done when the poll locations are determined. The Commissioner asked what the plan is if the 11,000 poll workers needed to cover the October election is not reached and if it was critical to get a large number of workers from the City of San Francisco workforce. The Director replied that the recruitment goal is five per precinct which is 2600 total, and currently the DoE has 2,000 identified. The reliance upon City workers as poll workers will be minimal. He said the City workers will be sent to locations which are more difficult to staff and that he doesn't envision needing more than 200 City employees.

Commissioner Schulz asked about the plan for Field Election Deputies (FEDs). Mr. Arntz answered that there will be 50 FEDs for the October election. Calls are going out to past deputies. If all slots are not filled by past workers, the DoE will hire the additional number needed.

Commissioner Stowers said that the Commission is aware that the State Election Code needs to be updated in order to facilitate RCV, and that may not happen until 2005. Ms. Stowers continued that the Director's memo seemed to tie the implementation of RCV to touch screen voting and that the two should be separated in case touch screen doesn't materialize. She said that one is a process and the other is buying hardware and software.

5. PRESIDENT'S REPORT

Commissioner Rosenthal commented on the list of items for action or discussion suggested by members of the Commission but not yet scheduled for an agenda that she passed out to the Commissioners. Commissioner Shadoian stated that one item that he had suggested earlier was missing. That item was to establish a citizen's advisory panel on technology issues to report to the Commission. Ms. Rosenthal said that another item which Commissioner Shadoian suggested was an evaluation process for the Commission Secretary and the Director. The President said that some of the items on the list were not timely nor were they intended to be placed on this agenda since the election is so close. This will be discussed further under item seven of this agenda.

The President said that she planned to review the bylaws and make recommendations for changes to the Commission at a future date.

The President suggested that the Commission consider having a retreat. Commissioner Shadoian suggested using the October 1, 2003 regular meeting time for the retreat.

6. **New Business**

(a) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on August 6, 2003. Commissioner Kenealey MOVED to adopt the minutes. SECONDED. Motion **CARRIED**.

(b) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on August 20, 2003. Commissioner Townsend MOVED to adopt the minutes. SECONDED. Commissioner Shadoian called the Commission's attention to two corrections. Motion to adopt the minutes with the corrections **CARRIED**.

(c) Discussion and possible action to approve the Election Plan for the October 7 Recall Election. Commissioner Kenealey moved to adopt the Election Plan. SECONDED. President Rosenthal called the Commission's attention to the addition of a narrative to the plan provided by Director Arntz.

Commissioner Schulz stated that the plan should have input about the Commission's expectations. He said that the calendar had too much detail and was too long. He would prefer to see what is unique about each election, for example, the security issue was unique to this November's election. The plan should include the seven areas that Commissioners will be assigned to observe on election day. Mr. Schulz said that "the Director needs some direction from us as to what we consider to be an election plan and we need input from him as to what he thinks we should have as an election plan." The Commissioner said it was too late for the October election but that the Commission should note these suggestions and "use this October election as learning process to come up with more guidance both from the Director and from us as to what we expect to have in an election plan that by Charter we are supposed to review and approve."

Commissioner Townsend said he agreed. He said he had concerns about how the Commission approaches outreach because some areas of the City are only turning out 6% of the registerable population to vote. The Commissioner said he'd like to have outreach be a topic for the meeting after the October 7th Election.

Commissioner Shadoian said that he felt that what the Director presented was not "much of a plan. We need a template in the future of what we expect in a plan." The Commissioner said that dates of notification to the public were important to him. He said that although this kind of information is on the calendar presented, it was difficult to hunt for it among all the other information. Mr. Shadoian said the narrative was a good start but that he would like it to read, "the election will be held on October 7th, early voting will begin on... the basic kind of information that people would need to know for example, this is the last date people can register, this is the last date that absentee ballots can be sent, this is the last day they can be received."

Commissioner Schulz suggested that the format be similar to the one the Director used for the Outreach Plan.

President Rosenthal **TABLED** the Election Plan until the September 17, 2003 meeting.

Commissioner Kenealey asked that since there will be no local offices decided in the March 2004 election, could the Director have a template for an election plan ready in time for the November 2004 election? The Commissioner said that he would expect that the Commission give the Director its input for that plan.

Commissioner Stowers said that one of the items she suggested be put on a future agendas was the formulation of a strategic plan by the President so that the Commission could determine its direction and that this would help resolve this issue. She said the Commission needs to determine where it wants to go and not ask the Director to make that determination.

(d) Discussion to develop a general plan for the Commission to assist the Department to address needs identified by the Department. President Rosenthal identified the following items as topics she wanted to see in the general or strategic plan: the consolidation of space - including steps needed to consolidate and follow up; how to assist in the effort to make more employees permanent; the implementation of RCV; a template for an election plan and how it should appear.

Commissioner Mendelson said it seemed to him that there are two parts - the substantive - which is probably the template, and procedural - which is staffing, structure and space. The Commissioner recalled that the Charter Amendment says that the Director presents the plan and the Commission approves or disapproves it. He suggested that the subjects of outreach - getting people to vote, are not covered under the Charter as the Commission's obligations. He said that if the Commission wants to develop these ideas, it should formulate them in a committee setting. These ideas should be reduced to writing and presented in that manner.

Commissioner Kenealey reminded the Commission of the old axiom of the law that a City Charter is not a grant of power but rather a limitation of the power of the City to do certain things.

Julia Moll stated that under the Charter, the Director is responsible for the conduct

of the elections, which includes voter registration. She said that "voter registration" is not limited to acceptance of registration cards and maintenance of the voter rolls, but outreach and education. As long as money is appropriated to the DoE for that purpose, the DoE can conduct voter outreach and other activities related to voter registration.

President Rosenthal asked Ms. Moll if the money could be spent for specific communities like those with low voter turnout. She responded that it depends on how it's indicated in the budget and that the Director could better answer that question.

Mr. Arntz stated that the primary purpose of the DoE in outreach, currently, is for language assistance in Chinese and Spanish and this has been so for several years.

Commissioner Mendelson said that it appears that it is within the purview of the Director to determine what the outreach will be.

Commissioner Shadoian suggested that the setting of a strategic plan by the President should be a topic for a retreat and that all the Commissioners should have input.

Commissioner Stowers stated that the President should set the direction and that the role of the Commission is to set the general policy.

Commissioners Mendelson and Townsend agreed that a retreat would be a good place to talk about the procedure needed to move Commissioners' ideas forward.

President Rosenthal suggested eliminating the Director's Report for the October 1, 2003 meeting and having a Commission Retreat at that time to deal with the issues discussed at tonight's meeting.

Commissioner Stowers asked all the Commissioners to read Robert's Rules of Order, the Commission's bylaws, and the City Charter Section 13.103.5 in preparation for the Retreat.

Commissioner Schulz asked if members had items they wanted to discuss at the Retreat how should they be presented. President Rosenthal replied that they should be sent to her.

7. Discussion regarding items for future agendas, including timing issues.

President Rosenthal stated that approval of an election plan will be on the September 17th agenda. Commissioner Schulz asked that the assignments for the Commissioners as observers for the October 7th Election be included. The President suggested an after action report for the October 7th Election be on the next agenda. Commissioner Townsend suggested that the Commission keep in mind that hot button items, in which the public is interested, be placed at the early part of meetings, so that citizens don't have to wait while the Commission handles housekeeping subjects. Commissioner Stowers stated that she would like to see the proposal that the President develop a strategic plan and that the Commission have a retreat on October 1st be discussion and action items on the next agenda. The President asked members if they would commit to a retreat on October 1st. The Commissioners agreed.

Commissioners made general announcements.

ADJOURNMENT at 8:40 pm.

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AGENDA
ELECTIONS COMMISSION
Wednesday September 17, 2003
7:00 P.M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

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 - March Primary Election
 - Possible June Primary
 - Poll Locating
 - Poll Worker Recruitment
 - Training
 - Ballot Distribution
 - Technology Division
 - Budget/Personnel Update
5. **President's Report**
 - Update re Commission Strategic Plan
6. **New Business**
 - (a) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on September 3, 2003.
 - (b) Discussion and possible approval of Commission assignments for Commissioners during the October 7, 2003 election.
7. **Unfinished Business**
 - (a) Discussion and possible action to approve the Election Plan for the October 7 Recall Election.
 - (b) Discussion regarding agenda and timing of Commission Retreat.
8. **Discussion regarding items for future agendas**
9. **Public comment** on any issue within the Elections Commission's general jurisdiction.
10. **General Announcements**

ADJOURNMENT

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The Elections Commission

September 17, 2003



City and County of San Francisco

Elections Commission

Approved: 10/15/03

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Minutes of the Meeting held

September 17, 2003

1. **Call to Order.** President Rosenthal called the meeting to order at 7:03 pm.
2. **COMMISSION MEMBERS PRESENT:** Commissioners Michael Mendelson, Alix Rosenthal, Thomas Schulz, Robert Kenealey, Brenda Stowers. **ABSENT:** Richard Shadoian and Arnold Townsend.
3. **PUBLIC COMMENT.** *Gonzalo Ferrer* told the Commission that half of San Francisco's population is Asian and Hispanic and that the makeup of the Elections Commission is not representative of the population. He asked the Commissioners to resign so that their positions could be filled by persons more racially representative of the City.

Commissioner Townsend joined the meeting at 7:04pm.

4. DIRECTOR'S REPORT

October Recall - Director John Arntz reported that the Ninth Circuit Court of Appeals issued a ruling postponing the recall election until March, but placed a seven-day stay on their decision. He noted that the media is reporting that the recall election has been placed on hold, and this is misleading. The Department is proceeding as usual with its preparations for the October 7th recall election, and the Secretary of State (SoS) has made it clear that all counties are to do so.

President Rosenthal asked Deputy City Attorney Julia Moll if she had anything to add to the recall information. Ms. Moll explained that the lawsuit to stop the recall is about punch card voting. The City stopped using this method of voting before the 2000 Presidential Election. During that national election, punch card voting got a lot of attention in part because of the potential for errors. The SoS decertified the system for use after March 2004. A system that is not certified for use by the SoS cannot be used, and six counties representing 44% of the voters in the state would need to use the punch card system for the upcoming recall vote on October 7th. It has been argued that the voter strength of these counties would be diluted because of the high rate of invalidated cards with the punch card system.

Outreach - This division visited with 21 community groups in the past week and 28 presentations are scheduled for the upcoming week. Nearly 200 bilingual poll workers were signed up.

Ranked Choice Voting - President Gonzalez of the Board of Supervisors introduced a resolution last week in support of the City using touch screen voting equipment for RCV, which will be presented to the Board in the next two weeks.

Voter Services - This division is inputting the information from 10,000 registration cards that have been turned in to the DoE within the last two weeks. Currently, approximately 1000 are coming in daily. 17,000 absentee ballots have been received. Since early voting began last Monday, nearly 1000 citizens have voted.

Campaign Services - There will be an open house tomorrow in the DoE beginning at 3:30 pm. Anyone who wants to observe the activity in the department is invited. There will be another open house on October 16.

March Primary Elections - Campaign Services is going forward with plans for the March election and workshops for Superior Court Judges begin next week. Guides for the State Senate and Assembly and central committees are being prepared.

Possible June Primary - The bill bifurcating the primaries was slated to pass on September 12th. This did not happen, and so it is presumed that there will not be a bifurcation of the March and June primaries next year.

Poll Locating - There have been eight cancellations of polling places since last Monday but replacements have been made. A citywide postcard mailing to voters letting them know their polling locations goes out tomorrow.

Poll Worker Recruitment - The need for poll workers has been filled. There are 3,038 poll workers, 553 inspectors and 1700 clerks.

Training - Over 2000 poll workers will be scheduled for training before the election.

Ballot Distribution - This division has mailed out over 65,000 absentee ballots. All the cards for the October election are in. The cards for November will begin arriving this Friday. Logic and accuracy and scriptwriting for the November election will begin within a week.

Technology - This division will have the election results on Channel 26 and on the DoE's website. In addition, the results will be transmitted to the Northern Light Court on the main floor of City Hall. The SoS has certified the DoE's election accumulation and transmission program. This allows us to transmit election results to the SoS on the evening of the election. This is the second time the Department has been able to do this - the first time being the November election last year. The division is working with the vendor to send files for the mailings of the VIPs, absentee envelopes, and poll location notification post cards. They have been developing a fully electronic problem tracking data base that will be used in the election center with a paper back up. The DoE is attempting to put polling location information on the website including a picture of each polling site.

Budget/Personnel Update - The Finance Committee passed the budget supplemental request with a reduction from \$3.5M to \$3.4M. The Department's current spending level is several hundred thousand dollars below last year's spending. This was accomplished in spite of this year's preparations for RCV and the recall. One reason for the improvement is that this year we had no outstanding debt. Last year the department had several hundreds of thousands of dollars of outstanding debt that the DoE's budget had to absorb. This year, the department began with a clean slate.

There are currently 136 staff which is approximately 15 less people than last year.

President Rosenthal asked if it was correct that the department has spent \$1.5 million on the recall election so far. *Director Arntz* stated that \$1.5 million has been spent or otherwise committed so far and that approximately \$2 million more is expected to be spent to complete the recall election. The Director said that a majority of the \$2 million would not be spent if the recall was called off.

Commissioner Schulz asked about the cuts made by the budget analyst from the supplemental request. Mr. Arntz replied that cuts were for supplies that were redundant for the October and November elections, and other small items for supplies and materials.

Commissioner Schulz asked if the proposal from the Board of Supervisors for the touch screen voting equipment was for November 2004 election. Mr. Arntz answered that it was. The Director reminded the Commission that there is \$1.6 million that may become available if ES&S doesn't complete its optical scanning system for RCV. *Commissioner Schulz* asked if that money had to be tied to ES&S or would it be available to any supplier. The Director said it could be used for any supplier.

Commissioner Townsend asked if the outreach money put aside by the Board for RCV would need to be returned. Mr. Arntz said that the monies were on reserve and may be put into the supplemental for the recall election. The Commissioner asked how the members of the Observer Panel were selected. Mr. Arntz said that the procedures from the SoS for the optical scan system lay out the process. The criteria are already set. The Commissioner said that the Commission should explore the reasonableness of sending a letter encouraging observers be persons of color within their organizations if they have them. He said that he understood that the selection is within the appointing entities just as it is within the appointing of the Elections Commissioner but this should be explored.

5. PRESIDENT'S REPORT

President Rosenthal reported that there will be a hearing tomorrow on the City's motion to dismiss the federal suit filed against the City by former Director Tammy Haygood. She handed out a list of possible topics for the upcoming Elections Commission retreat, including an outline for a strategic plan. President Rosenthal asked the Commissioners to review the retreat information, particularly the goals and objectives.

5 MINUTE BREAK started at 7:38 pm

MEETING RESUMED at 7:44 pm

6. New Business

(a) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on September 3, 2003. Commissioner Mendelson MOVED to approve, Commissioner Schulz SECONDED. Motion CARRIED.

(b) Discussion and possible approval of Commission assignments for Commissioners during the October 7, 2003 election. President Rosenthal suggested that the assignments agreed to by the individual Commissioners at this meeting also be the assignments for the November election. She reminded the Commission of the evaluation purposes of these assignments. Director Arntz suggested the areas that he thought would be interesting for them to observe, including: Pier 29 processing center, uplink sights where memory pack data is transferred at City Hall, poll working at precincts, working with Sheriff Deputies, and City Hall operations. Commissioner Schulz agreed to observe poll workers, Commissioner Mendelson agreed to observe the Election Center, Commissioner Kenealey to observe general office operations and early voting, Commissioner Stowers is to observe the Pier 29 processing center, Commissioner Rosenthal the Sheriff Deputies and Commissioner Shadoian will be assigned the uplink sights. Commissioner Townsend will be out of town for the October election but will observe the Sheriff Deputies for the November election.

7. Unfinished Business

(a) Discussion and possible action to approve the Election Plan for the October 7 Recall Election. Commissioner Mendelson MOVED, and Commissioner Kenealey SECONDED to approve. Motion CARRIED.

(b) Discussion regarding agenda and timing of Commission Retreat. The President asked the Commission if the retreat for October 1, 2003 should be postponed because of the recall election. She asked that the subject of "the respective roles of the Commission, the Department Head, and Department Staff; Policy Decisions vs. Day-to-Day Operations," an issue listed as a topic for discussion at the retreat, be a topic at the next regularly scheduled Commission Meeting. The President also suggested taking other topics from the list and incorporating them into future regular Commission Meetings.

Commissioner Schulz suggested that the list of items be left to "the call of the chair."

Commissioner Mendelson asked about the availability of the Director and Deputy City Attorney Moll for the retreat, and reminded the Commission that new Commissioners may be appointed to fill three positions at the end of the year. He said it would be a concern if the retreat was held before the first of the year and then needed to be repeated when new Commissioners were on board.

The Commissioner suggested that the President assign some of the issues to the Policy and Budget Committee for an in depth evaluation pending the actual retreat.

Director Arntz suggested that the Commissioners could help the department by becoming involved in the issues of space and permanent staff for the department.

Commissioner Townsend said that he was interested in learning how the department can end a contract that has not performed adequately and how the Commissioners will be putting together the "After Action Report" of their findings after the elections.

President Rosenthal said that she would work with the Director to determine how the Commission can help him.

8. Discussion regarding items for future agendas.

Commissioner Townsend asked that the Department of Elections' staff's role for doing outreach in low voter turnout areas be on an agenda before the November 2003 election.

President Rosenthal reminded the Commission that any new voter outreach plan could not be implemented before the November election.

Julia Moll explained that the DoE can engage in voter outreach and education in areas/populations of the City that traditionally do not turn out to vote as long as money is appropriated for that purpose. She said the department has done this in the past.

Commissioner Townsend asked that the information circulated by the first public speaker at today's meeting, about the ethnic make up of the Commission and how to remedy it to make it more reflective of the population of San Francisco, be considered as a possible topic for discussion at a future meeting.

Commissioner Schulz suggested that Commissioners' experiences from the October election be discussed before the November election.

9. Public Comment.

Steven Hill spoke about the ES&S application. He said that the certification for the software may be completed in a month but he has been getting conflicting responses to his questions to the SoS and ES&S. Mr. Hill said that he is concerned that if the DoE goes to touch screen voting for next year, it could complicate the start of RCV.

ADJOURNMENT at 8:22 pm

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ELECTIONS COMMISSION
City and County of San Francisco



Alix A. Rosenthal, President
Michael Mendelson, Vice President
Robert A. Kenealey
Richard C. Shadoian
Thomas J. Schulz
Brenda Stowers
Arnold Townsend

John Armtz
Director of Elections

Shirley Rodriques
Commission Secretary

≡ Agenda
THE REGULARLY SCHEDULED MEETING OF

THE ELECTIONS COMMISSION

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**THE NEXT MEETING OF
THE ELECTIONS COMMISSION
IS SCHEDULED FOR**

WEDNESDAY, OCTOBER 15, 2003



ELECTIONS COMMISSION
City and County of San Francisco

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AGENDA
ELECTIONS COMMISSION
Wednesday October 15, 2003
7:00 P.M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. CALL TO ORDER

2. ROLL CALL

3. Closed Session to confer with counsel. [Estimated to take 15 minutes]

- (a) Discussion and possible action whether to hold Closed Session pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10(d).
- (b) **CLOSED SESSION:** Conference with legal counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10(d); litigation in the matter of Tammy Haygood's termination of employment.
- (c) Discussion and possible action re: disclosure of closed session pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.

4. Public Comment on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.

5. Director's Report

- October 7 Special Election
- Ranked Choice Voting
- November 4 Election
 - › Outreach
 - › Voter Services Division
 - › Campaign Services Division
 - › Poll Locating
 - › Poll Worker Recruitment
 - › Training
 - › Ballot Distribution
 - › Technology Division
- Possible December 2 Runoff Election
 - › Outreach
 - › Voter Services Division
 - › Campaign Services Division
 - › Poll Locating
 - › Poll Worker Recruitment
 - › Training
 - › Ballot Distribution
 - › Technology Division
- March Primary Election
- Budget/Personnel Update

6. President's Report

- October 7 Special Election

7. New Business

- (a) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on September 17, 2003.
- (b) Reports from Commissioners regarding the October 7 Special Election.
- (c) Discussion and possible action to approve the election plan for November 4, 2003 Election.

- (d) Discussion regarding Department of Elections outreach to communities and precincts with a history of low voter turnout.
- (e) Discussion and possible action to direct the Director of Elections to provide a written report within a certain time period after each election.

- 8. **Discussion regarding Items for future agendas**
- 9. **Public comment** on any issue within the Elections Commission's general jurisdiction.
- 10. **Announcements by Commissioners**

ADJOURNMENT

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ELECTIONS COMMISSION
City and County of San Francisco



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AGENDA
ELECTIONS COMMISSION
Wednesday October 15, 2003
7:00 P.M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **Closed Session** to confer with counsel. [Estimated to take 15 minutes]
 - (a) Discussion and possible action whether to hold Closed Session pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10(d).
 - (b) **CLOSED SESSION:** Conference with legal counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10(d); litigation in the matter of Tammy Haygood's termination of employment.
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 - October 7 Special Election
 - Ranked Choice Voting
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 - › Outreach
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 - › Poll Worker Recruitment
 - › Training
 - › Ballot Distribution
 - › Technology Division
 - March Primary Election
 - Budget/Personnel Update
6. **President's Report**
 - October 7 Special Election
7. **New Business**
 - (a) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on September 17, 2003.
 - (b) Reports from Commissioners regarding the October 7 Special Election.
 - (c) Discussion and possible action to approve the election plan for November 4, 2003 Election.

ITEM 7(d) WILL NOT BE HEARD AT THIS TIME BUT WILL BE MOVED TO A FUTURE MEETING.

- (d) Discussion regarding Department of Elections outreach to communities and precincts with a history of low voter turnout.
- (e) Discussion and possible action to direct the Director of Elections to provide a written report within a certain time period after each election.

8. **Discussion regarding Items for future agendas**

9. **Public comment on any issue within the Elections Commission's general jurisdiction.**

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The Elections Commission

October 15, 2003



City and County of San Francisco

Elections Commission

Approved: 11/19/03

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Minutes of the Meeting held

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October 15, 2003

1. **Call to Order.** President Rosenthal called the meeting to order at 7:01 pm.
2. **COMMISSION MEMBERS PRESENT:** Commissioners Michael Mendelson, Alix Rosenthal, Thomas Schulz, Brenda Stowers and Richard Shadoian. **ABSENT:** Commissioners Kenealey and Townsend.
3. The Commission postponed to a future meeting the closed session to confer with legal counsel.
5. **DIRECTOR'S REPORT .**

October 7th Statewide Election - San Francisco had a 57% turnout for this election, last November's turnout was 50%. 99% of the results were in by 9:30 pm. One precinct's results weren't available until midnight due to the location being locked before the information could be retrieved. Eight thousand people voted at City Hall, over 2000 people voted here on October 7 , and over 300 voting for the November Election. The

two elections overlapped for two days, therefore, the department had two elections happening simultaneously for those two days. All but three polling places were open at 7:00 am, two of the three were open by 7:20 am and the third was opened at 8:00 am with early voting having begun at 7:30am. We had nearly 3000 poll workers for the October election and over 3000 calls came into the phone banks at City Hall. All Absentee Ballots that the department received before election day have been processed and the department expects to have all the Provisional Ballots completed within two weeks.

Secretary of State, Kevin Shelly called and sent a letter congratulating the Department for the good job it did on the October Election.

November 4th Election - The Voters' Guides were mailed on October 8th. There will be an additional mailing of guides after next Monday when registration for the November Election ends. Those voters will also be mailed guides. Permanent absentee voters increased by 17,000 between October and November, a total of 55,000 absentee ballots were sent out for the October Election. The number for the November Election will be approximately 72,000. Sixty-five thousand absentee ballots were sent to voters the day after the October Recall election.

Outreach - The Spanish and Chinese media have been very interested in the November Election. The outreach team has been attending community outreach presentations, has recruited 16 additional bilingual poll workers since the October Election and is completing the translation of informational materials for November.

Voter Services - 15,000 Provisional Ballots are currently being processed as well as registration cards. Currently there are 459,000 registered San Francisco voters. In July, there were only 434,000. This is a 25,000 voter increase and this has been keeping the division very busy. This division also checks authenticity of the signatures on the absentee ballots. At the same time, they are filling requests from voters wanting to vote absentee.

Campaign Services - The phone bank for the November Election is already open and is being staffed by two workers. On Election Day, there will be 15 people staffing the phones. There will be an Open House tomorrow from 3:30 until 5:30 pm in the DoE. The public and anyone in City Hall is welcomed to tour the DoE offices and receive information about what is accomplished in each area. This is the third Open House for the Department, the first being last November. There will be another one for the upcoming March Election. The Division is working with the campaigns for the November Election, making sure they understand the criteria under which they must work on election day.

Poll Worker Division - Nearly 2400 poll workers have been recruited for November. There are 500 Chinese bi-lingual, 150 Spanish bilingual and 100 Russian bilingual poll workers signed up. These workers are being scheduled for training classes. The 3000

workers for the October Election are having their paperwork reviewed in order to receive their stipends. Staff is ensuring that the people being paid actually worked and getting all the money for which they are entitled. This year is the first time the checks will be mailed out. In the past, the workers came to City Hall to pick up their checks and this created a lot of congestion. The Controllers Office will be running and mailing the checks. This frees up DoE staff to better prepare for the November Election.

Poll Locations - To date, twelve locations have cancelled. The department prefers to provide the same polling place for voters during each election but we do not control the locations. As the locations change, the division notifies voters by mail of the new locations.

Training - The class dates and times for training have been set for the November Election. Training of the Clerks begins next week and training for Inspectors will commence toward the end of the week.

Ballot Distribution - 73,000 absentee ballots were mailed, 72,000 of these were permanent absentee ballots. The precinct cards are ready for distribution. The division is still processing the absentee and provisional ballots from the October Election.

The Technology Division - This division has been keeping the computer operations going in all eight of the DoE's locations within the Civic Center area and the pier. They have updated the problem tracking software used in the Election Center on October 7th. They are also preparing data bases for the Department to use on November 4th.

Budget and Personnel - This division is processing the paperwork, purchases, materials and the 200 staff who were working in the department prior to the October Election. In addition, they are getting cost estimates for equipment, supplies and personnel for a possible December run off election.

Ranked Choice Voting - Yesterday the DoE issued an RFP (Request for Proposal) for vendors to provide bids for direct recording, electronic systems, touch screen systems and/or optical scan systems to implement RCV (Ranked Choice Voting). This creates more options for the City to pursue. The DoE proposed a partial hand count system to the Secretary of State (SOS) which was not certified and our vendor, ES&S, has an application still pending before the SOS. One way to expand the options is to consider touch screen equipment and also combine it with optical scan equipment. This creates more people being involved in helping the City to accomplish this goal. It is important that the DoE has begun to think about funding for touch screen technology or an optical scan system to implement RCV because it provides incentive for vendors to get systems certified by the SOS. The greatest challenge to RCV is the SOS certification process.

The DoE will continue to pursue its certification of the partial hand count system by determining what updates can be made to the department's plan. A full hand count proposal, that is one without any computerization or technology, is also a possibility. The department and the Commission are committed to RCV. The DoE plans to put the options before the public, the Board of Supervisors and the Mayor's Office to make everyone understand the situation and to help the department make this decision.

One aspect of RFP, that is particularly important, is that it will increase public participation in getting RCV implemented in San Francisco. The highest scoring three vendors will participate in a mock election that will take place during the voting of the March Election. Citizens who come to vote in City Hall will be encouraged to go to the Light Court and experience the new potential systems. The systems will have the Ranked Choice contests as part of the ballots upon which voters will mark or make choices. The voters will have an opportunity to evaluate these systems and provide this information to the selection committee.

Commissioner Shadoian stated that it was his understanding that the Commission would be given a weekly status report of ES&S's progress since last August. Director Arntz stated that he has not received consistent reports and no weekly reports. The Commissioner said that the Secretary of State was to be invited to appear at a Commission meeting.

President Rosenthal reminded the Commission that what was requested was an RCV update at each Commission meeting by the Director.

Commissioner Shadoian asked the Director what was the latest information from the SOS. The Director replied that he had left a message with the SOS's office earlier in the day to determine if the application is still pending because the federal certification for the software has not been granted for the ES&S proposal. As of tonight's meeting, Director Arntz had not received a reply and to the best of his knowledge, the application is still pending.

Commissioner Schulz asked if the Commission could have a future agenda item where a member of the SOS and the vendor are together at a meeting as soon as possible. The Commissioner stated that he followed up on several of the seven email complaints the Commission received. The voters he contacted were pleased with the response of the department to their concerns. Mr. Schulz asked the Director if there is a policy on following up on election day complaints and how many were there.

Director Arntz said that he would not consider all the communications as "complaints." He said many were citizens sharing their experiences at the polling places. He explained that when someone calls the department and has information about which they want a response, the division supervisors handle that information and respond to the voter as best they can.

Commissioner Schulz asked if the Commission could be copied on these responses.

Director Arntz said this was possible and asked if this was a policy decision of the Commission - that the department put the Commission, as a "cc", on its emails and letters.

Commissioner Schulz said that he felt the Commission should be made aware of how a situation, about which it is was informed by a voter, is resolved. The Commissioner said that he would like this to be a future agenda item.

Commissioner Stowers stated that the Municipal Code could not support RCV and asked if the Director was selecting touch screen voting as a way to implement RCV. She said that since RCV hasn't be certified, how can the City select a new voting system under the RFP process and what are the standards.

The Director reminded the Commission that RCV is the law and is in the City's Charter and supported in the Municipal Code.

Commissioner Stowers asked the Director if she was correct in stating that after the mock election, it is expected that the vendors will seek approval from the SOS and then at that point the Director will select a system.

The Director agreed and said that any certification that a vendor acquires regarding a system for RCV will be recognized in the points given under the selection process. This gives the vendors incentive to have something going through the certification process before the mock election.

Commissioner Stowers asked the Director where the DoE would stand if no vender is certified in time.

Director Arntz said the current system would still be in place and the department would need to develop hand-counting procedures.

Commissioner Stowers asked if the department would have misspent any funds by going to the RFP process.

The Director responded that this would not be the case.

Commissioner Stowers asked when does the RFP process officially close. By when would the SOS have to certify a system?

Director Arntz replied that the date would be May 30, 2004.

Commissioner Shadoian asked the Director what is the Commission's role in choosing a new system. He said it seemed to him that it was a policy issue - not a day-to-day activities issue. He said he was upset not to have heard about the RFP before this evening.

Director Arntz reminded the Commissioner that he had informed the Commission of the RFP with a letter dated August 22, 2004.

Commissioner Shadoian said that he didn't understand why the Commission didn't have input except by being told by the Director that the RFP was happening. He said that ultimately the system was not going to be picked by the Director, it was going to be picked by the Commission. The Commissioner said it was a policy decision on what the City was going to move toward.

Commissioner Mendelson said that he remembered when this issue arose in August and that Commissioner Shadoian's comments were inappropriate. He said that the Commission has an obligation to participate in the RFP process but he, himself, was not an expert. The Director, Commissioner Mendelson said, was chosen to give the Commission direction in matters such as this. The initiation point is getting the RFP - this is the way the City operates. Then it is opened up for the public. The Commissioner said that if a Commissioner does not like the process, it should be put on the agenda for discussion. He reminded the Commission that it can not contract. The Director is the only one who can. The Commission can tell the Director what it wants, it can have hearings, inquiries and public input.

Commissioner Schulz said that he, too, remembers being informed in August about the RFP and said that this, too, should be a future agenda item. He said it is more than a contract. It is the Commission's ability to comply with our own commitment to implement RCV.

President Rosenthal said that she would put this item on the agenda for the next

meeting.

Vice President Mendelson said that he would like to hear from Julia Moll a review of the Commission's and the Director's role in contracting.

4. PUBLIC COMMENT. *Steven Hill* said that his group has been in contact with the SOS's office and that his group is receiving conflicting views about what that office is expecting regarding the current application for RCV before them.

6. PRESIDENT'S REPORT. President Rosenthal congratulated Mr. Arntz and his department on how well the October Recall Election was run. She said that she has spoken with the Director about inviting a representative of the SOS's office to come to a Commission meeting to speak on RCV. The President suggested that a smaller meeting, one with herself, the Director and the SOS representative might be sought. She said that an appraisal process for the Director and the Commission Secretary is moving forward and will be discussed in a future meeting as well as a reconstitution of the Commission Committees and a discussion regarding outreach to low voter turnout precinct.

Commissioner Shadoian said that he had recently found that the Commission Office was relinquished to the DoE and asked if this had been a decision of the Commission.

President Rosenthal stated that the Commission has not lost its office, but due to the extreme space and storage constraints of the department, she had spoken to the Commission Secretary and asked her if she would be comfortable moving her desk temporarily.

Commissioner Shadoian said that this should have been a decision that was discussed by the full Commission.

President Rosenthal said that she didn't think it needed to be voted upon by the Commission and that it was a decision between the Director, President and Commission Secretary.

Director Arntz informed the Commission that some department staff are sharing desks, and space is very much needed. He said that he felt it was common sense for the President and the Secretary to offer the office space. The space was needed to assist the DoE in operating the two elections. He said he was surprised that it was an issue for the department to have the space to help it through this unusual election cycle.

Commissioner Shadoian said that he felt that it was an issue because it was Commission office space. It was unbelievable, he said, that there was "not even a closet in all of City Hall that the Director could have used."

Director Arntz said that this was the case.

President Rosenthal asked Commissioner Shadoian if she and he could have the discussion off line. And if, after that point, he wants to bring the issue before the full Commission, he could do so.

Commissioner Shadoian said that he wants to bring the issue of the Commission Office being used by the DoE before the Commission at the next meeting.

7. (a) Discussion and possible action to approve the Election Commission minutes of the meeting held on September 17, 2003. Commissioner Schulz MOVED to approve the minutes. Commissioner Mendelson SECONDED. Motion CARRIED.

(b) Reports from Commissioners regarding the October 7, 2003 Special Election:

Commissioner Schulz - The Commissioner worked as an Inspector at a polling location. For Commissioner Schulz's full report, SEE ADDENDUM.

Commissioner Mendelson - The Commissioner was assigned to the "war room" of City Hall. He said he was impressed with the morale of the staff, something that has improved greatly under the guidance of the new Director. He reported that there was a new computer program for incoming calls that discriminated between complaints that required direct action and those that didn't. He said that it was interesting to note that this was the first election completely under the new Director's guidance.

Commissioner Stowers - The Commissioner worked at Pier 29 and described it as a very large warehouse on the bay. From a systems perspective, she said, the layout was very well thought out. There were multiple tables set up so that when a van pulled in, it would not have to wait. There were dollies and staff to take the rice bags of ballots back to the well-marked areas where they were assigned. Logistically, it was very well prepared and set up. The Commissioner said she spoke to many of the staff and it was very comforting to learn that many of them had worked at previous elections. This strategy by the Director, to work with a personnel vendor who has contacts with previous DoE temporary workers, was a wise one. The Commissioner said that her

only concern was that this site is cold, damp and dark. Once the ballots are placed at the pier, they are moved to Brooks Hall, which is their permanent storage location. The department has a serious space problem, she said. The fact that the ballots have to be moved twice, creates a risk that something can go wrong. The Commission needs to help the department work through its space issue.

Commissioner Shadoian - The Commissioner observed Election Central. He said staff were focused. He said he had observed many elections at City Hall and this was the best that he had seen. Staff knew what they were to do, they were calm. Earlier he had observed the uplink sights. The Commissioner said that the department was in good hands because experts were called in to work on the sites. The Commissioner stated that he had brought in two people from outside the department who were computer experts who were happy with the answers they received to their questions. Commissioner Shadoian said that he stood close to Mr. Arntz when the Director spoke with media and he was pleased to see that he answered media questions appropriately. The Commissioner said that the department needs a written media plan. He was told that there was an informal media plan, but what he had been told on Friday was not what he witnessed on Tuesday. Commissioner Shadoian said another problem he saw was there was a temporary department media person who came on board on Monday and that person ended up doing many of the interviews when the Director was busy. The Commissioner said that the media, with whom he spoke, told him that they were very impressed with how forthcoming the department was when dealing with them.

President Rosenthal - The Commissioner was assigned to review the Sheriffs Deputies and was impressed with their work and took a tour of their command center. The President reported that there was just enough redundancy in the Sheriff's system to not cost the department too much money but to also catch any flaws in the system. The President was at pier 29 four hours before the polls closed and the deputies were there ready to monitor the activities. She was able to spend some time with Chief Deputy Vickie Hennessey who displayed an extensive knowledge of Election Day. She also observed Piers 30 and 32, where sheriff's training is conducted. The President reminded the Commission and the audience that the DoE was under extreme scrutiny for this election and it was no small task to have accomplished such a good election.

7. (c) Discussion and possible action to approve the November 4th Election Plan. Commissioner Mendelson MOVED to approve the Election Plan for November 4, 2003. Commissioner Stowers SECONDED.

Commissioner Shadoian explained that he had not seen the plan until this meeting and he said he didn't feel competent to vote. He said that if he couldn't abstain, he would vote against the plan.

Director Arntz told Commissioner Shadoian that the plan before him was the same as the one handed out before the October Special Election. There was prior notice, two months ago, of this plan.

Commissioner Schulz asked for a template that covered the things the Commission would expect in an election plan.

Roll Call Vote was taken. Schulz - yes; Mendelson - Yes; Stowers - Yes; Shadoian - No; Rosenthal - Yes.

MOTION CARRIED.

7. (d) This item will be discussed at a future meeting at the request of Commissioner Arnold Townsend.

7. (e) Discussion and possible action to direct the Director of Elections to provide a written report within a certain time period after each election.

President Rosenthal asked if there was a motion with a specific time period. Commissioner Shadoian said that he originally proposed this item and suggests a period of 60 days.

Commissioner Schulz SECONDED.

Discussion: *Commissioner Schulz* said that this kind of "lessons learned" report is common in the "best practices" of the government. He said that this report would serve as a record of the department's assessment of what went well and what didn't.

President Rosenthal passed the gavel to the Vice President, and said that the Director had provided a report earlier in this meeting of the problems and successes of the election. What the Commission is deciding is whether the Commission thinks the Director needs to write the report. She asked that the Commission keep in mind the constraints upon the Director during the sixty days following the election, and in particular, this election. Also, she noted that the canvass is not completed until 30 days after an election.

Vice President Mendelson reminded the Commission that the Commission Secretary gives the Commission and the public a written report of the Director's comments during every Commission meeting and those minutes become a part of the annual report for posterity.

Commissioner Schulz explained that there is more opportunity for reflection of the events after 60 days have passed.

Commissioner Mendelson said that 60 days of reflection tends to distort, because in general, we want to present the best possible face. He said the Commission should not want to burden the person who has the awesome obligation of making sure that the infrastructure of democracy is well in place. The end result, a well run election, should suffice. If the Commission is concerned about events of a particular election, then the Commission can ask for a written report for that particular election.

President Rosenthal asked Commissioners Shadoian and Schulz what, specifically, they wanted to see in the report. Is it to be a division, by division critique?

Commissioner Shadoian said that the Director can make that decision. The Commissioner said that he wants to see what went well and what didn't during the election.

Commissioner Schulz said that his experience has been that the department heads report back to the Director about what they thought went well and what didn't in their departments.

Commissioner Shadoian stated that the Director has been requested to make reports in the past and that those reports have only gone to the President of the Commission. He said that it was interesting that Vice President Mendelson is now not interested in getting these reports now that he is now longer President.

Commissioner Shadoian CALLED the QUESTION. A Roll Call Vote was taken.

Commissioner Schulz - yes; Commissioner Stowers - no; Commissioner Shadoian - yes; Vice President Mendelson - no; President Rosenthal - yes. The MOTION FAILED.

8. Discussion of items for future agendas. President Rosenthal reviewed the suggestions already heard at this meeting: Inviting a representative of the SOS's office; Discussion of the RFP process; and asked if there were other agenda suggestions. Commissioner Stowers suggested that the RFP items be enhanced to possibly discuss a policy governing a new voting system to implement RCV to keep the Commission on track. Commissioner Shadoian suggested a policy for the Commission to implement RCV for the November 2004 election, and he has a resolution to that end that he'd like the Commission to discuss at the next meeting. Commissioner Schulz reminded the President that Committee assignments and the evaluation process for the Director and Commission Secretary should be calendared as well as his request that the Commission be informed of the resolution of problems brought to its attention by

voters. Commissioner Shadoian requested that the use of the Commission Office by the department be calendared and reminded the Commission that a plan for the December runoff election should be approved.

9. Public Comment. *Steven Hill* reported on his visit to Electoral Services in London, England in early October.

General Announcements: Commissioner Shadoian said that the Secretary of State had recently called members of the Elections Commission liars in the media and invited the Secretary of State to come before the Commission if he has something to say to the Commission.

ADJOURNMENT at 8:30 pm.

ADDENDUM

PRECINCTS, POLLING PLACES, POLL WORKERS, ETC.

OBSERVATIONS & RECOMMENDATIONS

OCTOBER 7, 2003 – SPECIAL STATE ELECTION (RECALL)

BY

THOMAS J. SCHULZ, ELECTIONS COMMISSIONER

BACKGROUND: I was an inspector for a polling place in the West Portal portion of Supervisory District 5. I undertook all the training, picked up supplies & ballots, and with one clerk, one translator (Chinese) and two high school students, operated a polling place from 6:00 am till 9:45pm. I also voted early at the City Hall polling place, observed Department of Elections election night operations at City Hall, the canvass at Brooks Hall, and had several in depth discussions with Department staff and voters.

OVERALL CONCLUSION: The plans and process for the October 7th election were generally well done. I have some specific recommendations for fine tuning some of the implementation of those plans and processes.

SELECTION OF POLLWORKERS: The initial selection seems somewhat loose in that it appears to rely on whether or not individuals volunteered or served in the past – not on qualifications/capabilities to do the job well. My experience was that I was assigned a clerk who had no intention of serving and I had to get a last minute replacement from the department. If I hadn't made the calls to my workers I never would have found this out and would have been short-staffed on Election Day. According to my FED the inspectors for 3 of the 11 polling places for which he was responsible, failed to make advanced calls for election staff and/or for assuring the polling site was available. This resulted in late openings for those 3 locations. My recommendation is increased emphasis in training of inspectors and the FEDs for calling ahead of time to prevent these situations.

TRAINING: The overall content of the training was excellent and the instructor I had was also excellent. The class, however, was exceptionally large due to last minute addition of students from an apparently unscheduled class for FEDs. All members got credit for attending the class despite the fact that some fell asleep and some came to the class late. My recommendation is that the instructors in the future be given real authority to fail some students on their receptivity to training.

REGISTRATION AND LOCATION OF POLLING PLACE: My location was not dissimilar from others in that there were a significant number of voters showing up who were not on the roster or who were in the wrong polling place. There is evidence that despite clear instructions in the pollworkers manual, the inspector response to the voter's dilemma of being in the wrong polling place was erratic and often wrong. Specifically some people were not directed to their proper location and were given wrong advice on how to fill out Provisional ballots. My recommendation is that the training for the November election again emphasize the importance of directing the voters to their proper voting location and implementing the proper procedures for Provisional voting. I further recommend that voter education and publicity for the November election again emphasize the importance of voters validating the location of their proper polling place.

THE USE OF SCHOOLS AS POLLING PLACES: The voters were given the addresses of the schools for voting places which was usually the school entrance nearest the principal's office and which involved the voters walking through the school while it was in session. At my location we had to hand write some signs to direct voters to walk around the school to the entrance of the voting location. I recommend that additional signage with arrows be provided to those locations so that we can minimize the impact of the location on the schools.

CANVASS: I observed the process and it appeared orderly and professionally done. One feature which I think is of value is that the volunteer workers for the canvass were the FEDs who served during the election. This practice should continue because it offers them another training opportunity to see the results of an efficiently or inefficiently run polling site. This is especially important for the closing procedures in which the ballots are packaged and the voting machines are turned off according to certain procedures. I recommend that the FEDs, in the Election Day afternoon before the surge of voters in the polling place at dinnertime, review the closing procedures with

each of the inspectors they are responsible for.

PERFORMANCE OF POLL WORKERS: The great majority of people put in long hours and extensive effort in assuring the success of the election-for a very small stipend. There needs to be another way in which we can reward and recognize these volunteers AND remove or retrain the few that do not do an effective job. I recommend that a certification and recognition program be established for poll workers and other volunteers. Further I recommend a process be established to identify and deal with poor performers.

CHECKLISTS: An exceptional attribute of the election process is the quality of operational checklists and flow-charts provided to the election workers. They facilitate the smooth interaction between election staff, DPT and Sheriffs as vote data and ballots are transported. I recommend that election observers be provided the appropriate checklists and flow-charts for the specific operations being observed.

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The Elections Commission

November 5, 2003 - CANCELLED



≡ Agenda

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The scheduled Regular Meeting of the Elections Commission of San Francisco for

Wednesday, November 5, 2003, is CANCELLED.

The next scheduled meeting is Wednesday, November 19, 2003,

City Hall, Room 400, at 7:00 PM

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The Elections Commission

November 14, 2003 Special - CANCELLED



AGENDA

SPECIAL MEETING

ELECTIONS COMMISSION

Friday, November 14, 2003

7:00 P.M.

City Hall, Room 400

1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President

The Honorable Michael Mendelson, Vice President

The Honorable Robert Kenealey

The Honorable Thomas Schulz

The Honorable Brenda Stowers

The Honorable Richard Shadoian

The Honorable Arnold Townsend

Shirley Rodriques

COMMISSION SECRETARY

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ORDER OF BUSINESS

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.

4. **Committee Report**

Report and recommendation of the Budget and Policy Committee regarding the Budget for the December 9, 2003, Run Off Election.

5.. **New Business**

Discussion and possible approval of the Budget for the December 9, 2003, Run Off Election.

6. **Public comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

Disability Access

The Elections Commission meeting will be held in Room 400, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking

adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

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The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.

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ELECTIONS COMMISSION
City and County of San Francisco



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AGENDA
ELECTIONS COMMISSION
Wednesday, November 19, 2003
7:00 P.M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

11-17-03A09:02 RCVD

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.

4. **Director's Report**

- November 4 Election
- December 9 Runoff Election
 - › Outreach
 - › Voter Services Division
 - › Campaign Services Division
 - › Poll Locating
 - › Poll Worker Recruitment
 - › Training
 - › Ballot Distribution
 - › Technology Division
- March Primary Election
- Budget/Personnel Update
- Ranked Choice Voting

5. **President's Report**

- November 4 Election
- Procedures for Evaluating Commission Secretary and Elections Director
- Ranked Choice Voting
- Selection Process for Official Ballot Arguments

6. **Committee Reports**

Report by the Budget and Policy Committee regarding its recommendation whether to approve the Supplemental Budget for the December 9, 2003 Election.

7. **New Business**

- (a) Discussion and possible action to approve Elections Commission Minutes for Commission Meeting held on October 15, 2003.
- (b) Reports from Commissioners regarding the November 4 Election.
- (c) Discussion and possible action to approve the election plan for December 9, 2003 Election.
- (d) Discussion and possible action to approve the Supplemental Budget Request for the December 9, 2003 Election.

- (e) Discussion regarding of the role of the Commission in the RFP and contracting process.
 - (1) Discussion and possible action regarding the role of the Commission as to the implementation of Ranked Choice Voting.
 - (2) Discussion and possible action to create an *ad hoc* committee of the Commission to recommend policies as to the implementation of Ranked Choice Voting.

8. Discussion regarding items for future agendas

9. **Public comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

Disability Access

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The Elections Commission

November 19, 2003



City and County of San Francisco

Elections Commission

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Approved: 12/17/03

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Minutes of the Meeting held

November 19, 2003

1. CALL TO ORDER. President Rosenthal called the meeting to order at 7:05 pm

2, COMMISSION MEMBERS PRESENT: Commissioners Michael Mendelson, Robert Kenealey, Thomas Schulz, Alix Rosenthal, Brenda Stowers and Richard Shadoian.
ABSENT: Commissioner Arnold Townsend (who joined the meeting at 8:00 pm).

4. DIRECTOR'S REPORT.

November 4 Election

The results were in by 9:35 pm and the Processing Center was complete at midnight.

One polling place didn't open until 7:30 am but curbside voting began at 7:00 am. The election went smoothly throughout the day. Media and public reports have been positive. The election was certified Monday.

December 9 Runoff Election

There are three weeks remaining before the runoff election. **Outreach** - staff is recruiting bilingual workers for the polls. **Voter Services** - staff is finishing up the "voters who voted" file. This division checks the rosters to make sure information is correct, and various campaigns find this information helpful. The roster will be completed by Friday of this week. **Poll Locating** - six new locations need to be identified. **Poll Worker Recruitment** - 2,200 people have been signed up for December, more need to be recruited. **Training** - new poll workers and inspectors will be trained, however, experienced clerks will not need additional training. **Ballot Distribution** - staff began mailing absentee ballots Monday and should be complete the mailing in one week. The last shipment of precinct cards should arrive by next Thursday and they will be sorted and ready for the precincts by next Monday. **MIS** - staff is changing the data bases in preparation for the December information.

March Primary Election

The Ballot Simplification Committee begins its work next Monday. The measures sent by the Board of Supervisors will be reviewed as will the digests explaining the measures. The nomination periods for March have begun.

Budget/Personnel

Staff has been gathering information for the December Runoff Election for the supplemental appropriation.

Ranked Choice Voting (RCV)

The pre-proposal conference for all interested vendors was last Friday. Five vendors attended. Bids are due next month. President Rosenthal and I attended a meeting today with the Secretary of State and some of his staff.

Commissioner Schulz asked the Director if there were plans to speed up the Sheriff's pick up of ballots after the polls close for the March Election, since the ballots will be bigger.

Director Arntz replied that results for the March election will not come in as fast as they did for the October and November elections because the March election will have several cards for each voter to mark, whereas the October/November ballot

consisted of one card.

Commissioner Schulz asked if there were more Sheriff's with shorter pick up routes, would the results be reported more quickly in March and was is there a budget problem involved in using more Sheriffs.

Director Arntz answered that currently the Sheriffs each have five or six stops and that number is very workable.

Commissioner Shadoian asked if there is a voter certified paper trail of the Requests for Proposals (RFPs) for the touch screen systems.

Director Arntz answered that the system has to be certified by the State and a paper trail would have to be a State requirement. However, the DoE can add information to the RFP and let potential vendors know of any new requirement.

Julia Moll confirmed that the State and Federal governments do not currently require a voter verified paper trail but that this topic is coming up often and the State and Federal government may require it in the future. The Department's RFP has a statement which states that during the term of the contract, the vendor will be required to conform the system to all changes in State and Federal law.

President Rosenthal added that the Secretary of State had said, in the meeting she attended earlier in the day, that his office would be requiring a paper trail. The Commission could encourage the Director to select a system that has a paper trail. This can be raised later in this meeting when the Commission discusses its role in the RFP process.

President Rosenthal congratulated the Director and his staff on a very well run election and added that earlier in the day at the meeting with the Secretary of State, Kevin Shelley, he also congratulated the Director several times on the San Francisco's last two elections.

5. PRESIDENT'S REPORT.

Commissioner Rosenthal called the Commission's attention to the Department of Human Resources (DHR) Personnel Evaluation Form that was sent to each member. This form is the first draft of the information that can be used to evaluate the Director of Elections and the Commission Secretary. She asked the Commissioners to

review the form and make any changes they prefer and explain those changes. The President said that she wants to get procedures in place for these evaluations and invite a DHR representative to the next Commission meeting to explain how other Commissions do their evaluations.

Commissioner Schulz suggested that the selection criteria for the Director and Secretary and job descriptions also be available before the meeting with the DHR representative.

Ranked Choice Voting

President Rosenthal said that the Secretary of State (SOS) wanted to meet with her and the Director earlier today. At the meeting were: John Mott-Smith, head of the Elections Division; Under Secretary of State Mark Kyle, Deputy Secretary of State Dawn Mehlhaff, Randy Riddle and Fred Hamdun. The topic was how the Commission and Department could expedite RCV. There is no Federal testing protocol for testing equipment/systems for RCV. The President was told that the Federal authorities are looking forward to working with the State to develop these protocols.

Joseph Taggard stated that he met with John Mott-Smith and his staff on October 31, 2003. After that meeting, at the request of Mr. Smith, ES&S sent a letter outlining the protocols that ES&S thinks should be involved in "in end to end functional testing". Mr. Taggard said that his company is ready to demonstrate with their working model and how those protocols are met.

President Rosenthal said that everyone in the meeting at the SOS earlier today was optimistic that a RCV system can be certified by November 2004. The steps necessary are: (1.) Development of Federal testing protocols; (2.) Legal issues, which are not insurmountable, identified by the Voter Systems Panel (VSP) need to be resolved; (3.) Ballot design may need to be changed; (4.) Getting the system through the VSP.

Commissioner Schulz asked if a representative from the SOS will address a future meeting of the Commission. President Rosenthal said that she posed that question to Mr. Mott-Smith who replied that he would be amenable to attending a meeting for that purpose.

President Rosenthal reported that Mr. Shelley said that he felt that ES&S had lost a lot of time in implementing RCV but that his office is willing to move beyond the problems of the past to bring the DoE, ES&S and the SOS together to get RCV implemented.

Commissioner Shadoian asked what was the status of the proposed Closed Session meeting with counsel regarding the past Director of Elections. President Rosenthal said that she will be speaking with Deputy City Attorney Linda Ross and plans to have the item on the agenda for the next meeting.

Selection Process for Official Ballot Arguments

President Rosenthal reported that she has spoken with counsel about the selection of official arguments and how the current system appears to be easily "gamed" to allow some people to be awarded more official ballot arguments than others. The problem appears to be greater than the President anticipated and she said she hopes the Commission will address it at a future meeting and asked her fellow Commissioners to let her know their thoughts.

Commissioner Schulz reminded the President that Mr. Chris Bowman had submitted letters to the Commission on this topic and Mr. Bowman was in tonight's audience.

Chris Bowman, formerly a member of the Citizens Advisory Committee on Elections, stated that the that Committee had looked at the issue over the years and developed a proposal in 1999 that basically said that if one was an opponent and sought the free official argument, you could only submit one argument per measure. One could not "stack the deck" by submitting three of four arguments. There was a ranking that provided that the Mayor's Office and the Board of Supervisors were equal partners and that legitimate community groups and political office holders have a higher priority. This proposal went to the Board of Supervisors where it sat for over three years. Supervisor Hall finally introduced legislation but time ran out, and the Supervisor suggested sending the matter to the then newly formed Elections Commission. Mr. Bowman said that he was delighted that the Commission may now be interested in this issue. Mr. Bowman stated that an overview of all the arguments over the past ten years will show that one person have been successful in getting his opinions selected as the official opponent argument in about 50% of the ballot arguments in the Voter Information Pamphlet (VIP)..

Commissioner Stowers suggested that the President offer this subject to a Committee for research. President Rosenthal said that the idea was a good one and asked the Commissioner if she would agree to take this task to the Budget and Policy Committee. Commissioner Stowers agreed.

6. Report by the Budget and Policy Committee regarding its recommendation whether to approve the Supplemental Budget for the December 9, 2003 Election. Chairperson Stowers reported that the Committee met earlier in the day and did vote to recommend that the Commission approve the Supplemental Appropriation for the December Runoff Election. This recommendation was reached after the Committee determined that there would be no impact on the Department's baseline budget or on

the monies needed to implement RCV on touch screen voting.

7. NEW BUSINESS.

(a.) Discussion and possible action to approve Elections Commission Minutes for Commission Meeting held on October 15, 2003 Commissioner Kenealey was excused from voting because he was absent at the October 15, 2003 meeting. QUESTION WAS CALLED to approve the minutes. Commissioner Schulz MOVED to approve the minutes. SECONDED by Commissioner Stowers. The MOTION CARRIED.

(b.) Reports from Commissioners regarding the November 4 Election.

Commissioner Schulz reported that he participated in the November 4th election as he had in the October 6th election as an Inspector at a polling place. He took the additional training that was provided and he was pleased to find that it clarified Provisional Voting. The Commissioner happened to be at the 240 Van Ness supply site the day before other Inspectors were to pick up their supplies and noted that staff who had not worked the October election did not have the "institutional memory" of workers who had. On election day, Commissioner Schulz noticed that campaign workers came by to note who was voting and who wasn't. The Commissioner instructed them that a posting is made every hour at the front of the various polling locations. Commissioner Schulz reported that he had to ask these workers to remove or cover their campaign buttons while they were in close proximity to the polls. The Commissioner suggested that this point, no electioneering near the polls, should be emphasized during the runoff election training.

Commissioner Mendelson reported that he observed the tabulation of the absentee ballots and the computer operations. He congratulated the ES&S employee who was involved in those tabulations and Mr. Arntz on his handling of his personnel. The Commissioner said that he observed no problems and that the operation ran smoothly.

Commissioner Shadoian reported that he observed the Operations Center and had never seen the operations run so quietly. He congratulated the Department and ES&S. The problems that did come in were resolved quickly. He said the Department had matured greatly. The Commissioner also visited two polling sites. One of the sites complained that the street address list in precincts with large apartment buildings is not alphabetized or listed by address.

Commissioner Shadoian said that he had a technical committee help him observe the uplinks for the October Recall Election and that Mr. Bryan Freedman was in the audience and was prepared to make a short presentation.

Mr. Freedman said that he was one of the two member team that observed the

uplinks. He said that he and the other member were Information Technology professionals and that they interviewed several of the Department's IT staff. He said the areas of their focus, security and procedures, "were well in order". Mr. Freedman stated that the system was not susceptible to "hacking". He presented a "small" list of recommendations to the Commission.

President Rosenthal reported that she and Commissioner Townsend observed the Sheriff's operations. The operations were identical to those the Commissioner observed in October and there were no problems noted. It was very well run, with just the right redundancy, she said. Sheriff's Deputies appeared to have thorough knowledge of their duties. The Commissioners watched the Sheriff Deputy training at the pier and were duly impressed. President Rosenthal said that the deputies told her how impressed they were with the training they were receiving from the department's staff person, Rafal Klopotoski.

Commissioner Shadoian said that he wanted it on record that the Department of Parking and Traffic should also be commended because they do an excellent job of seeing that the memory packs are picked up and delivered quickly which is the key to the Department's success in being able to report the election results so quickly.

(c.) Discussion and possible action to approve the Election Plan for the December 9, 2003 Election.

Commissioner Kenealey MOVED to approve the plan. Commissioner Schulz SECONDED. Commissioner Shadoian asked if the Security Plan would be the same. Director Arntz answered that there will be a reduction of the numbers of Sheriff's Deputies, but there will not be a substantial change

Deputy City Attorney Julie Moll reminded the Commission that it has a duty to approve any "alternative security plan", as it did for the November Election, because the Sheriff was on the ballot and therefore prohibited from officially participating in that election. Because the Sheriff won re-election, and is not on the December ballot, no alternative security plan is required.

MOTION to approve the December 9, 2003 Election Plan CARRIED.

(d.) Discussion and possible action to approve the Supplemental Budget Request for the December 9, 2003 Election.

Commissioner Kenealey MOVED to approve the Budget. Commissioner Shadoian SECONDED.

Public Comment. *Steven Hill* asked what was the final amount of the supplemental request. President Rosenthal replied that the amount was \$2M.

MOTION to approve the Supplemental Budget **CARRIED.**

(e) Discussion regarding the role of the Commission in the RFP and contracting process.

President Rosenthal called the Commission's attention to the memo that was prepared by Deputy City Attorney Julie Moll regarding the role the Commission may play in the process of awarding a new contract for a voting system.

Julie Moll stated that the Commission had asked about the division of responsibility between the Director and the Commission with respect to awarding contracts. The Commission does not have the power to award contracts regarding RCV. That authority is with the Director. The Commission can have discussions and make suggestions to the Director.

Commissioner Schulz asked what happens if the Commission doesn't approve funding for a voting system. He said the Board of Supervisors wants the Commission to approve any request for funding before the Board acts, but what happens if the Commission does not approve the funding.

Deputy City Attorney Moll said she would research this question.

Commissioner Townsend arrived (8:00 pm).

The Commission decided to review and act upon all information regarding Ranked Choice Voting as a Committee of the whole, not to form an ad hoc committee for this purpose, and to rely upon the Director to give regular updates as well as to let the Commission know if there is any item in need of Commission involvement.

Commissioner Townsend suggested that a citizens committee might be formed to help with the implementation of RCV.

Commissioner Shadoian requested that the Commission be given copies of all correspondence between ES&S and the Director of Elections. The Commissioner was particularly interested in getting a copy of a letter he said was sent to the Director regarding a meeting that ES&S had with the SOS on October 31, 2003.

8. Discussion regarding items for future agendas.

Commissioner Townsend requested that Outreach, especially within communities with low voter turn out, be calendared for a public hearing.

Vice President Mendelson suggested there be an agenda item to form a informal task force of the Commission Secretary and Commissioner Townsend to draft information to develop a policy to bring to the full Commission on the subject of low voter turnout.

9. Public Comment. *Steven Hill* told the Commission that it already has a plan for outreach for community education which it has approved and for which money has already been allocated and encouraged the Commission to begin the outreach as soon as possible.

Chris Bowman said that he was a precinct worker for a campaign. He said that the updating of voter lists at the precincts is done slowly because it's usually done by hand by one person and can be three hours old once it's posted. Mr. Bowman said that his research shows that the DoE should be targeting younger, minority and student voters in its outreach.

ADJOURNMENT at 8:18 pm

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ELECTIONS COMMISSION
City and County of San Francisco



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AGENDA

ELECTIONS COMMISSION
Wednesday, December 3, 2003
7:00 P.M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ELECTIONS COMMISSION
City and County of San Francisco



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AGENDA
ELECTIONS COMMISSION
Wednesday, December 17, 2003
7:00 P.M.
City Hall, Room 400
1 Dr. Carlton B. Goodlett Place

COMMISSIONERS

The Honorable Alix Rosenthal, President
The Honorable Michael Mendelson, Vice President
The Honorable Robert Kenealey
The Honorable Thomas Schulz
The Honorable Brenda Stowers
The Honorable Richard Shadoian
The Honorable Arnold Townsend

Shirley Rodriques
COMMISSION SECRETARY

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **Closed Session** to confer with counsel. [Estimated to take 15 minutes]
 - (a) Discussion and possible action whether to hold Closed Session to confer with legal counsel pending litigation pursuant to Ralph Brown Act, section 54956.9 and Sunshine Ordinance section 67.10(d).
 - (b) **CLOSED SESSION:** Conference with legal counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10(d); litigation in the matter of Tammy Haygood's termination of employment.
 - (c) Discussion and possible action whether to disclose the closed session discussion pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each action item on the agenda before taking action on that item.
5. **Director's Report**
 - December 9, 2003 Runoff Election
 - March 2, 2004 Primary Election
 - Budget/Personnel Update
 - Ranked Choice Voting
6. **President's Report**
 - December 9, 2003 Runoff Election
7. **Vice President's Report**
 - Report on Outreach Task Force
8. **New Business**
 - (a) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on November 19, 2003.
 - (b) Reports from Commissioners regarding the December 9, 2003 Runoff Election.
 - (c) Discussion regarding Department of Elections outreach to communities and precincts with a history of low voter turnout.
 - (d) Discussion and possible action to change the means of selecting official arguments in the Voter Information Pamphlet

9. **Suggestions regarding items for future agendas**
10. **Public comment** on any issue within the Elections Commission's general jurisdiction.
11. **Announcements by Commissioners**

ADJOURNMENT

Disability Access

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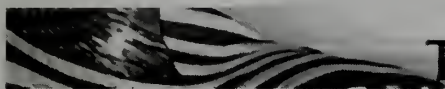


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The Elections Commission

December 17, 2003

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Approved: _____

= *Minutes of the Meeting held*

December 17, 2003



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1. **Call to Order.** President Rosenthal called the meeting to order at 7:05 pm.
2. **COMMISSION MEMBERS PRESENT:** Commissioners Michael Mendelson, Alix Rosenthal, Thomas Schulz, Brenda Stowers, Robert Kenealey and Arnold Townsend. **ABSENT:** Commissioner Richard Shadoian.
3. **Closed Session** to confer with counsel pursuant to Ralph Brown Act section 54956.9 and Sunshine Ordinance section 67.10(d); litigation in the matter of Tammy Haygood's termination of employment. Commissioner Schulz **MOVED** and Commissioner Kenealey **SECONDED** the Commission going into closed session.

Closed Session convened at 7:07 pm.

Closed Session adjourned at 7:21 pm.

Commission Meeting reconvened at 7:24 pm.

The Commission voted unanimously to not reveal the Closed Session discussions, pursuant to Ralph Brown Act section 54957.1 and Sunshine Ordinance section 67.12.

4. Public Comment - Marc Salomon, member of the San Francisco Green Party, said that absentee ballots have become pivotal in the election process. He stated that the DoE had advised him that absentee ballots for the Run Off Election would be mailed on November 24 but they were mailed, instead, on November 17.

Christopher Bowman, former member of the Citizens' Advisory Committee on Elections, gave the Commission his table comparing neighborhood voter turn out in the Run Off Election. He reported that the numbers of voters participating in the Mayoral election was a record setting 253,000.

Eric Allen said he runs a website that tracks San Francisco politics. He congratulated the Department, the Commission and staff for getting the election results quickly and not getting any negative media for the December Run Off. He stated that stability in the Commission leadership has contributed to the department's success.

5. DIRECTOR'S REPORT.

December 9, 2003 Runoff Election – There were no obstacles to voters throughout the day. Results from the precincts were posted by 9:40 pm. Most of the problems were due to mayoral campaigners' electioneering. The election was certified yesterday, the Statement of Vote is being published and copies have been sent to the Board of Supervisors and the Mayor's Office.

Secretary of State Shelley called the Director the day after the election to congratulate the department.

Absentee Ballots –

During public comment a question was raised about the mailing of absentee ballots for the run-off election. The Election Plan the Department provided to the Elections Commission and which was approved by the Commission indicated that the Department intended to begin mailing absentee ballots on November 17. This Plan was available to all members of the public, and the Department followed this schedule, and began mailing on this date. Since over 108,000 absentee ballots needed to be mailed, it took

over a week for the Department to complete the work to mail all of the ballots. Not all of the absentee ballots were mailed on the 17th, rather, around 5,000 were mailed on the 17th, and thousands more were mailed on the succeeding days. A calendar that the Voter Services division used regarding the mailing of absentees was created before the final elections plan was submitted to the Commission and was not subsequently updated to indicate that the Department wanted to mail ballots beginning on the 17th and be completed by the 24th. Also, on November 18 and November 19 the Director spoke with the Gonzalez campaign and informed it that mailing of the absentee ballots was underway. To avoid any confusion over this issue in the future, the internal calendar will include ranges of dates wherever possible, and a disclaimer that interested parties should also refer to the more official Election Plan. The Department always seeks to get absentee ballots to voters as soon as legally possibly after the ballots are printed by the vendor and delivered to the Department.

The Director said that he thinks the Department of Elections of San Francisco is one of the best in the state. He said that he cannot recall any department in the state going through all that this department has, not just in the last few months, but for the last several years. Even with the pressures of implementing Ranked Choice Voting, the DoE has had three excellent elections. The Director stated that he wanted the minutes of this meeting to reflect that he believes the DoE staff is the best of any in the State and probably in the country.

March 2, 2004 Primary Election - During this election, voters who decline to state a party affiliation can vote Democrat, Republican or Independent. There are new changes in the law that the department is investigating.

Budget/Personnel Update – The department has been working with the Department of Human Resources (DHR) to reinstate health benefits to

Staff who had these benefits removed. Twenty staff has now had their benefits restored. The DoE is working on insuring that staff receives proper compensation. Staff who returned to work when we called them back in July, who had been paid at higher steps previously, had to start in July at step one. We're working to restore them to their proper steps and give them back pay.

Next Monday and Tuesday, the department will be interviewing for three permanent 1403 positions (lead clerk) and six 1471 positions (supervising clerk). The job announcements will be posted. These positions will stabilize the DoE's staffing.

Ranked Choice Voting – The Secretary of State (SOS) will issue rules that require touch screen voting systems to have a certifiable paper audit trail. The rules aren't complete yet. The Director stated that he has seen a copy of a letter that the SOS has sent to Election Systems & Software (ES&S) that provides the company an exemption regarding certifying their optical scanning system for Ranked Choice Voting.

President Rosenthal asked how many permanent positions the DoE has. Director Arntz replied that there are twelve and that number will be 20 when the positions mentioned are filled. He added that he hopes to have ten more by the end of the fiscal year – this will provide the department's entire core staff with at least a provisional status. He reminded the Commission that most of the current staff, workers who have been with the department for years, are classified as temporary and these workers have had no sense of job security.

Commissioner Stowers asked if the Director had any Deputy Directors. Mr. Arntz replied that Suzanne Berg is a Deputy Director and Cuong Quach is the Assistant Deputy Director.

6. President's Report

President Rosenthal said that it is extraordinary how far the department has come in just a few short years. She thanked Mr. Arntz for turning the department around.

The President reported that the Commission Retreat is scheduled for Saturday, February 21, 2004. It will have limited staff involvement due to the close proximity to the March election.

7. Vice President's Report

Vice President Mendelson reported that he has communicated to the Commission Secretary to do an analysis of the precincts with low voter turn out. The Vice President suggested that with the help of Commissioner Townsend, meetings in these communities should be set up, and Commissioners will attend and distribute registration forms. These meetings would be educational; voters will learn about the Commission and voting. The Commission will be actively involved in getting people registered to vote.

8. New Business

(a) Discussion and possible approval of Elections Commission Minutes for Commission Meeting held on November 19, 2003. Commissioner Schulz MOVED for approval. Commissioner Kenealey SECONDED. Motion CARRIED.

(b) Reports from Commissioners regarding the December 9, 2003 Runoff Election.

Commissioner Schulz reported that he worked as a precinct inspector again. He said that he was pleased that the training the inspectors received for this election had stressed electioneering concerns. There was more electioneering at this election than previously, this training was instrumental in there being so few problems. After the polls closed, the Commissioner visited Election Central in City Hall and found it quiet and running smoothly.

Commissioner Mendelson reported that the San Francisco Examiner had an editorial praising the Department, and that this is a complete turnaround from previous Examiner editorials.

President Rosenthal reported that when she visited Election Central, she observed that there were only two lines of complaints on the monitors. She recalled elections a year ago when the screens were full. The President said that she spoke to Captain Waters, of the Sheriff's Department, about staffing for elections and the department is working to make sure their numbers are appropriate and not overstaffed.

Commissioner Townsend reported that he observed voting activities throughout City Hall and was impressed that everyone was knowledgeable and professional.

(c) Discussion regarding Department of Elections outreach to communities and precincts with a history of low voter turnout.

Vice President Mendelson said that the Commission should be involved in the outreach program in an ongoing basis.

Commissioner Townsend stated that he had always wanted to involve the citizens in the outreach effort. A public hearing on the subject should be held so that the Commission can get suggestions and recommendations from the public about how the Commission and Department can best affect their communities to increase voter turnout. His goal is to begin before the March election.

Commissioner Schulz said that the issue is not so much getting people registered to vote in these precincts but getting those who are registered voters to vote.

Public Comment – *Eric Allen* stated that he had walked precincts as part of his reporting on elections for his website and that voters had expressed to him that they wanted to have more information about the candidates and the issues.

Dave Hiller said that people learn how to vote from their parents and that the Board of Education should have programs in the schools to show that voting on issues can make a difference.

Chris Bowman agreed that working in the schools and practicing voting at that level is very helpful in getting youth to understand the importance of voting.

(d) Discussion and possible action to change the means of selecting official arguments in the Voter Information Pamphlet.

This item was TABLED until the next Meeting.

9. Suggestions regarding items for future agendas. Commissioner Schulz reminded the President that she passed out performance appraisal boiler plates several meetings ago in preparation for evaluations for the Director and Commission Secretary. He suggested that discussion on the materials be on a near agenda.

10. Public Comment – Caleb Kleppner said that he hoped his suggested resolution on Ranked Choice Voting would be calendared for the next Commission meeting.

Eric Allen said that he had written his editorial about how well the election ran two days before the Examiner article was printed and that 2000 people had read his. He said that the internet is a powerful tool that is effective in reaching students.

ADJOURNMENT at 8:06 pm.

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